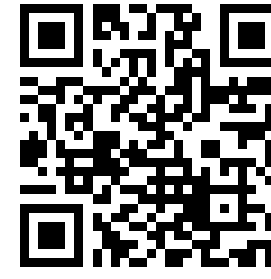
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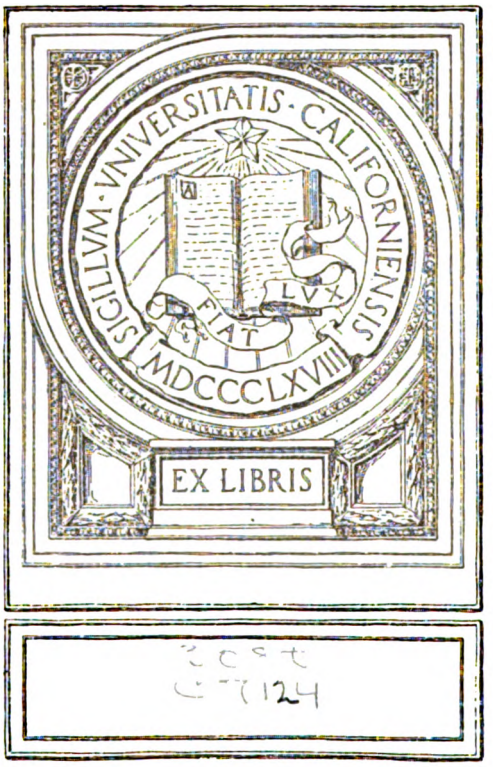
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UNIV. OF CALIFORNIA

Hipólito Villarroel and the reforms of Charles the Third of Spain

By

Sister Mary Austin Collins

A.B. 1921

THESIS

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Approved Herbert I. Priestley
Instructor in Charge

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HIPÓLITO VILLARROEL

AND THE

REFORMS OF CHARLES THE THIRD

OF SPAIN

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PREFACE

The epoch of King Charles the Third of Spain has had its historians; the archives of Europe, and those of the New World as well, have given of their wealth while numerous volumes have been written upon that interesting period of history. Still, the material has not been exhausted; abundant treasure remains to reward the search of future historians. A master's thesis which merely touches upon the reign of Charles the Third will add nothing of worth to the splendid accounts already in existence. One more dry-as-dust manuscript takes its place upon the library shelves - and that is all. It may, however, be of value in that it brings together in a new way, and in readable form, some widely scattered material drawn from the more extensive works.

An attempt has been made to assemble within small compass the general events of the reign to show their logical bearing upon the Spanish colonial phase of it. The New World, ever dependent upon the Old, advanced to prosperity or suffered a retardation in response to European conditions. Therefore a glance at the development of Spain under the Bourbons will assist one to grasp the meaning of the period as a whole.

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The six treatises comprising the Enfermedades Políticas, by Hipólito Villarroel, have furnished an exposition of the situation in New Spain during the last decade of the reign. As it proved a difficult task to embody the criticisms by Villarroel within the text, the pith of each discourse has been given in the form of an analytic outline. The paragraph order of the treatises has not been observed because the digressions found therein are confusing and repetitions are numerous. An effort has been made to preserve the quaint style of the author even in the condensed statements of the outline. The pessimism of Villarroel is so profound, that to optimists, there is a deal of humor in much that he says — perhaps this also has been preserved.

Professor Priestley's interest in the history of New Spain prompted the present thesis, and he has sustained it in its trials with characteristic courtesy and generous sacrifice of time. The English translations of the Enfermedades Políticas made by his graduate students have been used in this study.

Berkeley, California,

August 1, 1922.

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EXPLANATORY NOTE

Little is known of Hipólito Villarroel. Beristain y Sosa, in his Biblioteca Hispano Americana Setentrional, Adiciones y Correcciones (Mexico, 1898), mentions (pp. 622-3) his manuscripts as existing in the National Library of Mexico.

Of the four volumes by Villarroel, the last has never been published. The first three were edited, in 1831, by Carlos María Bustamante as a supplement to volume IV of his Voz de la Patria. The editor's purpose was to present a reliable contemporary account of internal conditions of New Spain in the latter part of the eighteenth century. Contemporary manuscript copies of the four volumes belong to the Bancroft Library of the University of California.

From the work of Villarroel we know that he was an attorney and an alcalde mayor who, by 1785, had served the viceroyalty of New Spain for twenty-five years. The first volume of his work contains parts one and two in which the author advocates certain ecclesiastical and political reforms. The second volume (part three) treats of the policía of Mexico City and offers suggestions for improvement. Volume third contains parts four and five, setting

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forth the state of commerce and the management of the army. The fourth volume (part six) is a criticism of the Ordinance of Intendancies which was issued December 4, 1786.

The Introduction of the first volume is dated May 20, 1785; the first part of the third volume bears the date, April 6, 1785, and the second part is dated May 12, of the same year; the fourth volume is signed July 1, 1787.

The present thesis includes brief summaries of the four volumes presented in the form of analytic outlines. The pages which contain these are listed for convenience.

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Part 1, Secular and Regular Clergy ---------- 160-167
Part 2, Political Conditions ---------- 126-139

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Volume IV

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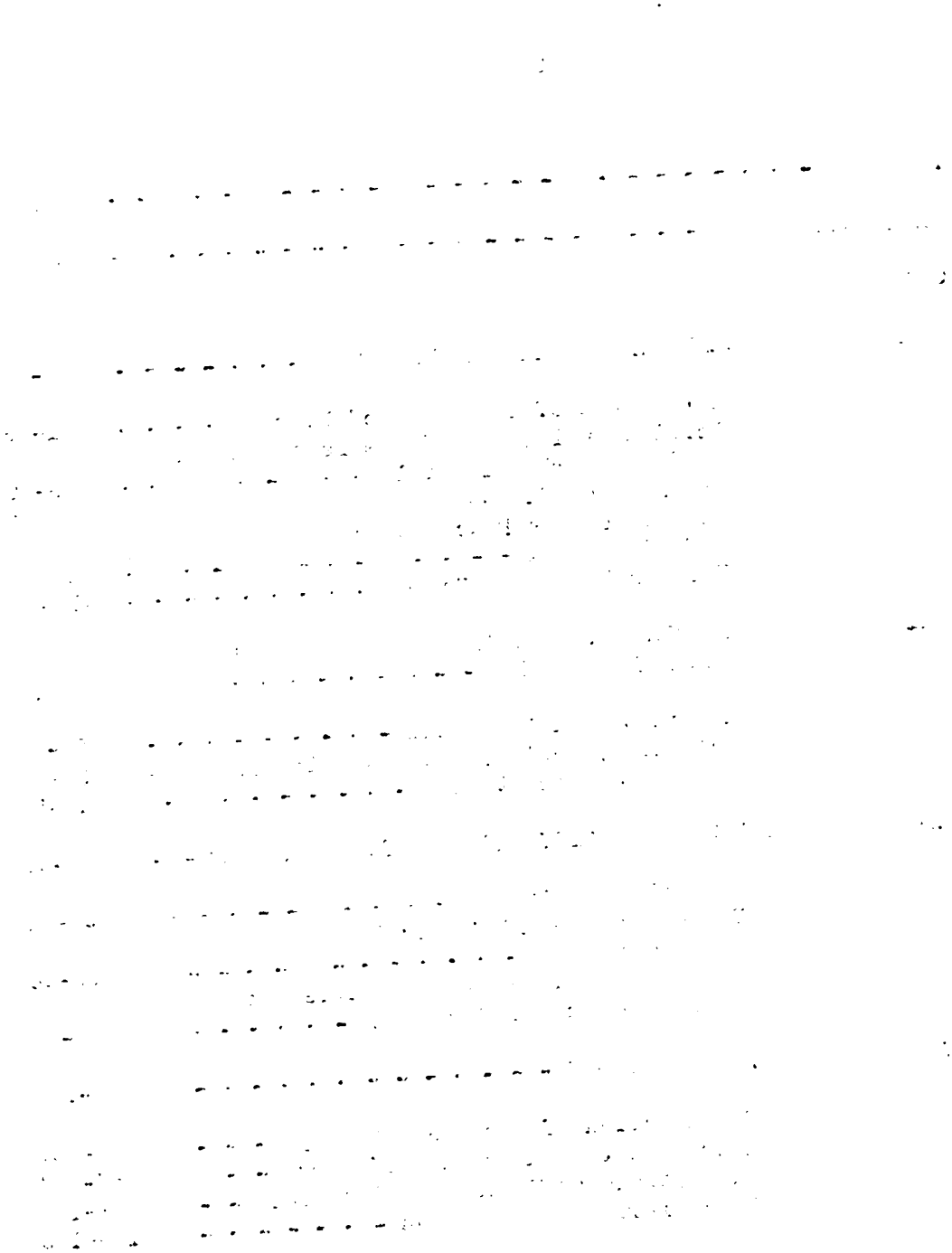
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I

SPAIN'S LEGACY TO DON CARLOS

1

The advent of the House of Bourbon

The era of Charles the Third of Spain is understood in the light of the half century preceding his accession to the throne. When we remember that the eighteenth century dawned upon a Spain that had completely fallen from the position of power once occupied, we assign greater value to the achievements of the early Bourbons. It was a long way from decadence to regeneration, and fifty years of effort had been crowned with but partial success when, in 1759, Don Carlos inherited the Spanish dominions. The coming of the Bourbons had lifted the nation to better days as the sequel proved. Great advancement had been made under Philip V, yet not the greatest; the royal hand that strove to build the resources of the nation had ruthlessly torn down a part of its endeavors.

During thirty years of this period, when Italian interests dominated the affairs of Spain, all Europe was harrowed by the wars instigated by Elizabeth Farnese to provide principalities for her sons. Her ambitions centered in Don Carlos; the diplomatic negoti-

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ations of the day ever had his welfare in view; the treaties that ended hostilities endeavored to secure for him territories that would provide future political power.

Peninsular and colonial development was hindered but not prevented by the expenses of these long wars, and, in spite of obstacles, the process of regeneration went on, and a degree of success was achieved. The coming of the House of Bourbon to Spain is so closely associated with the ruin of Spanish power in the early nineteenth century that the memory of all progress due to their efforts is lost in the shadow of later events.

A tribute is paid to the greatest of the Spanish Bourbons, King Charles III, while many honest endeavors on the part of his weaker predecessors are forgotten. François Rousseau is right in saying that "there exists a striking disproportion between the work of Charles III and the glory that he has received" and we understand Alfred Baudrillart when he reminds us that King Charles benefited by the insufficiency of his predecessor and of his successor, coming as he did between Ferdinand VI and Charles IV. By his wars, undertaken, as he thought, through necessity, he maintained Spain among the great powers of Europe. If his work of reform did not produce more lasting fruits it was due to the errors of his son and the general disorder of the era of revolutions which swept away his endeavors. "In judging Charles III or his work", Baudrillart reminds us that "historical truth does not permit one to take a position either among his detractors or his panegyrists, because this king, with

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his good qualities and his defects, merits neither the invectives of the former nor the admiration of the latter. For him as for most human beings, the just judgment is the medium."

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1 Rousseau, François, Règne de Charles III d' Espagne, I, Introd. xxvii.

From the tangled maze of historical events under the early Bourbons we choose only those which have a directive influence upon the acquisition of territory, the international relations, and the reform policy of the era of Charles the Third.

2

Foreign Influence and the Establishment of Don Carlos in Italy.

Through French influence at the court of Madrid, Charles II, the last Hapsburg ruler of Spain, willed his throne to a prince of the rival House of Bourbon. When Philip of Anjou took possession, in 1701, as Philip V, he was well received by his Spanish subjects; and, as a condition in the will of Charles stated that the crowns of France and Spain should always remain independent, Europe was inclined to approve the accession because the balance of power would be preserved more satisfactorily than under Hapsburg rule.[2]

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2 Coxe, W., Memoirs of the Kings of Spain of the House of Bourbon, I, Introd., 65; Mahon, Lord (Earl of Stanhope), History of the Spanish Succession, 5.

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The Spain which Philip V inherited was in the saddest state of decadence. Large numbers of the six million inhabitants were living in misery; commerce, agriculture, and the industries were almost non-existent; the treasury was empty, as its revenues were consumed by officials in Spain and in the colonies. The army and navy amounted to little, and the distant provinces and the frontiers were insufficiently fortified. Owing to lack of funds, the troops remained unpaid; the king's guards were reduced to accepting alms, and even the royal palace lacked the necessary furniture and household utensils.[3] Reviewing the situation at the beginning of the

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3 Baudrillart, A., Philippe V et la Cour de France, I, 59.

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eighteenth century, the Duc de Noailles declared: "With the treasures of Peru, Spain has no money; with so many fertile lands Spain has no laborers nor soldiers. Still proud of the names of Ferdinand and Isabella, of Charles V, of Philip II, of her famous politicians, Spain has only a skeleton of government."[4]

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4 Noailles, Duc de, Mémoires, Ed. Michaud, X, 237.

Internal government was seriously disordered; owing to want of employment, vagabonds were numerous, and crime was rampant; not even the streets of the capital were safe. Conditions were so deplorable that Charles II was powerless to remedy the evils, and

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his last days were saddened by an insurrection of the populace of Madrid urged on by the scarcity of bread.[5]

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5 Coxe, W., Memoirs, I, Introd., 59.

The change from Hapsburg to Bourbon rule was begun with a view to the betterment of Spain, but, in the methods he employed, Louis XIV kept in mind the supremacy of the French court. For fifteen years he governed the monarchy of his grandson as his own; to this end the young king was surrounded by French councilors, ambassadors, and generals of the army. Another person of great influence in keeping the French king informed concerning Spanish affairs was Madame des Ursins whom Louis appointed camarera mayor (superintendent of the household) to the youthful Queen María Louisa.

Certain privileges granted to French ministers at Madrid aided in consolidating the Bourbon government, and various reforms in the system of administration worked to the same end. Whether the changes were meant to prevent the government's becoming purely Spanish, as has been claimed by Coxe, or whether it was a device by which Louis XIV endeavored to provide a wise direction of the affairs of a young and incompetent king, it created dissensions,[6] and the

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6 Baudrillart, A., Philippe V et la Cour de France, I, 68. Cf. Coxe, W., Mémoirs, I, 116.

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disfavor in which the reforms of the new régime were looked upon added strength to the Austrian party.

Despite war and opposition, progress was being made under the Bourbon plan of centralization, and this was mainly due to the efforts of one man who undertook the reformation of finances. This was Jean Orry, a Frenchman whose attempts to remove the causes of existing evils brought him into disrepute and resulted in discomfort and banishment for himself but in great benefits to Spain.[7] In

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7 François Rousseau, following Alfred Baudrillart upon the subject, has given an account of the efforts made to improve the finances of the country. Finding among Spaniards no one skillful enough and sufficiently disinterested to reestablish order in the system, Louis XIV sent to the young king a man capable in such matters, Jean Orry, who, on account of his low extraction would not give umbrage to the nobles. The new financier proposed to follow the economic principles of Colbert whom he admired. To increase the revenue, he devised improved methods of collecting, and made attempts to regulate the importation of gold and silver from the Indies; here, also, he reduced the number of mints, leaving only two - those of Lima and Mexico. Improvements were made in the army; the Council of Castile was reformed so that instead of a single powerful president the number of councilors was increased, thus centralizing government in the king; a crowd of petty officers was suppressed; complications in the customs were abolished; and commerce and industry in the peninsula were regulated in spite of the great friction occasioned by the natural indolence of the Spaniards and the opposition of foreign competitors. As the Spaniards never seemed to appreciate the riches of their country, the foreigners had profited by this apathy and established industrial plants in all the principal parts of Spain (Rousseau, François, Un Réformateur Français en Espagne au XVIIIe Siècle, passim).

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spite of frequent interruptions and banishments, the progress of reform continued; and, during his last stay in Spain, from 1713 to 1715, Jean Orry accomplished much, and, for a time, was real master of the

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monarchy. The friction occasioned by these changes created bitter opposition against the French influence; and further odium was reflected upon the régime by the innundation of worthless adventurers from France.

The War of the Spanish Succession, from 1701 to 1714, was due to Austria's refusal to acknowledge the validity of the Bourbon inheritance. Great losses were sustained by Spain during this conflict which was ended by the Treaty of Utrecht in 1713.

By this the Bourbon dynasty was confirmed in Spain and the Americas; by it Philip V renounced for himself and heirs all claims to the crown of France. Yet the Spanish throne was purchased by hard sacrifices as the terms of the treaty demanded the forfeiture of territory long-cherished by Spain.[8]

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8 The Netherlands, Milan, Naples, and Sardinia were granted to Austria; Sicily went to Savoy, and Gibraltar and Minorca, to England. An agreement between Spain and England took from the French, and secured for the latter, the slave-trade asiento in the Americas. This gave English merchants the right for thirty years to ship, annually, 4800 African slaves to the Spanish American colonies (Armstrong E., Cambridge Modern History, VI, 64).

Upon the death of Queen María Louisa, in February, 1714, a successor was found in Elizabeth Farnese who exercised an absolute dominion over the affairs of Philip V until the end of the reign. After being dominated for fifteen years by France, Spain became subject to Italian diplomacy and thereafter served Italian interests. Elizabeth Farnese's policy was to break up the French influence and to recover

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to Spain the last Italian possessions. With Austria expelled from Italy, it would be possible to create principalities for the children of her marriage with Philip. For this, she sought to secure Parma, Piacenza, and Tuscany. Wars that drained the resources of Spain were waged until her ambitions were finally accomplished. Don Carlos was established King of the Two Sicilies in 1735, and his brother Don Philip obtained Parma, Piacenza, and Milan in 1745.[9] The

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9 Spain, with the assistance of France, succeeded in having Don Carlos invested with the possession of Parma and Piacenza, and declared successor to Tuscany. He landed at Leghorn in December, 1731, and was received with great pomp, making his formal entry into Florence in March, 1732, and later taking possession of his capital at Parma. Spain was an European power again, and peace might have followed had not the death of August II of Poland, thrown the nations into war over the succession. France and Austria at once became allies, and, as England was inclined to keep on friendly terms with the Emperor Charles VI, the Bourbons pledged themselves to eternal friendship in the treaty of the Escurial signed on November 7, 1733; it included a plan to occupy Naples and Sicily while the Emperor was devoting all his attention to Poland. This was the first of the three Family Compacts between the two powers.

During the conflict over the Polish succession, Naples and Sicily were seized by a Spanish army under Don Carlos who was formally crowned King of the Two Sicilies, in July, 1735, and acknowledged such by the Emperor Charles VI in the Treaty of Vienna, signed in November, 1738, whereby Spain forfeited the duchies. War ceased when Augustus III was acknowledged King of Poland.

Upon the death of Charles VI in 1740, the War of the Austrian Succession brought more changes. A second Family Compact was formed between Spain and France in 1743, and the Austrian territories, Parma, Piacenza, and Milan were recovered for Don Philip. In securing these duchies for his brother, Don Carlos of Naples united his arms to those of his father, Philip V (Beccatini, F., Vida de Carlos III, I, 51-118; Fernan-Núñez, Vida de Carlos III, I, 22-37.

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treaty of Aix-la-Chapelle confirmed Don Philip in his possession of

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Parma, Castalla, and Piacenza, with the stipulation that if he should succeed to the throne of Naples the first two should revert to Austria and Piacenza should go to the King of Sardinia: (Tuscany had been out of the question since 1735).

Philip V did not live to see the conclusion of the peace of Aix-la-Chapelle. At the time of his death in 1746, Spanish armies still fought in Europe, and his son Ferdinand inherited the disturbed conditions of his father's reign as well as the debts they had occasioned.

In the early part of this war, Anson's trip around the world (1739-1742) caused alarm to Spain for its manifest object was to pass around Cape Horn and attack the Spanish colonies on the coast of South America. This revelation of Spain's weakness in the Pacific and the disregard of her exclusive claims to possession foretold troublous times in the succeeding reigns.

3

Colonial Conditions under Philip V

In America the revivifying influence of the Bourbon accession brought good results. The colonial expansion and subsequent increase of commerce called for administrative reorganization. The advance of the northern outposts, through the efforts of traders and missionaries, extended the occupied territory, and attention was being directed to the northern Pacific coast. In South America the fertile valleys of Chile, the mining districts of Peru, and the plains of the Orinoco

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and the La Plata were attracting settlers. Municipalities that sprang up flourished , and the lure of wealth, to be quickly amassed attracted immigrants to the New World and more and more the attention of England was directed to the Spanish American possessions. The great dangers to the sea coast called for new measures of protection. As so extensive a region could not be administered from distant Lima, the viceroyalty of New Granada was organized in 1717 as a temporary measure, and in 1740 the audiencia of Bogota was raised to the dignity of a permanent viceroyalty to rule over the mountain districts.

These results contributed to the advancement of the Spanish colonies. Through application of the Bourbon policy, abuses in colonial government were relieved, commerce was increased by relaxation of the old Cadiz monopoly; revenues from the mines increased; greater income enriched the Spanish treasury; and the improved general condition continued the wave of immigration to the New World. More and more the colonies came to play an important part in European affairs, and the conflicts occasioned by disagreements in America were taken up by the mother countries. As the English advance was checked by the French of Quebec and the Spanish of St. Augustine, and, as the Portuguese of Brazil were opposed by the Spaniards, ties consequently strengthened between the English and the Portuguese against their common foe; and, as pretexts were not wanting, war was the outcome.[10]

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10 Abbott, W. C., The Expansion of Europe, II, 192-203.

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England, since the treaties of Utrecht, had enjoyed a monopoly of the slave trade and possessed various privileges in Spanish America. Her posts in Panama, Vera Cruz, Buenos Ayres, and Cartagena were flourishing. Profitable contraband trade was carried on by the colonists of Jamaica to the great loss of the Spaniards. Royal officials in the West Indies, under pretext of right of search, made unlawful arrests; and, at the time when negotiations were going on at Seville in 1738, Spanish cruelty was cited in the case of Captain Jenkins, a smuggler who had lost an ear at the hands of the Spaniards. Attention was also called to the question of log-wood cutting in Campeachy bay and to the disputed boundaries of Georgia. There were grievances, at the same time, in Spain where English sailors and merchants suffered from the interference of the officials and were subjected to unjust laws. The negotiations for settlement were unsuccessful and the disturbed relations were not improved when the Spanish expedition against Oran on the African coast, in 1732, found the Moors receiving ammunition from the English of Gibraltar. In spite of the efforts of Sir Robert Walpole at home and of Sir Benjamine Keene in Spain, there could be no peace so long as Jenkins' ear was remembered, and the enemies of Walpole demanded war.[11] On November 22, 1739, the sudden attack upon Porto Bello

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11 Morley, J., Walpole, 214-218; Abbott, W.C., op.cit., 21.

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by the English under Admiral Vernon was the beginning of a war in which Spain showed herself capable of defense and attack. Now were seen the fruits of the efforts of Spain's ministers. Patiño's plans to increase the national strength had produced results; a country that could defy England on the seas was no longer in a state of lassitude. When France entered the conflict upon the part of Spain, the war became European and soon merged into that of the Austrian Succession, continuing to 1748.

From this time on, the affairs of the American colonies were transferred to the European stage for attention, and the problems arising in Spanish America soon became the chief object of the government's solicitude.

4

The Results of the Peace Policy of Ferdinand VI.

The reign of Ferdinand VI, which followed that of Philip V in 1746, was more Spanish in character than the preceding reign had been. Although two parties intrigued at court, the king remained firm in his determination to avoid foreign entanglements. The English cause was supported by the capable Spanish minister, Don Jose Carvajal while Zeno Somodevilla, Marquis of Ensenada, schemed for a French alliance that would renew the Family Compact. Owing to the adherence of Ferdinand to his proposed peace policy, benefits were reaped for Spain. The efforts of Ensenada to improve the economic

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conditions of the country were crowned with success and the absence of wars permitted the revenues to increase.[12] Also by

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12 Owing to secret negotiations which he conducted to secure a French alliance, Ensenada was banished from Madrid but his achievements for the advancement of Spain remained. His services had been of great benefit in furnishing an impetus to prosperity: agriculture was revived; new roads were constructed and canals were built; mines were reopened and encouraged by permitting the exportation of the precious metals with only a small royalty of 3½ per cent in Spain and 6 per cent in America; tax-farming was abolished and a plan was devised for replacing the objectionable imposts known as the alcabalas and millones by a single tax (contribucion unica); above all, the navy was increased and reorganized (Coxe, W., Memoirs, IV, 141-145).

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continuing the execution of the plans previously formulated by Jean Orry, Alberoni, and Patiño, the Spanish navy was brought to a point of efficiency never reached before.

During the reign of Ferdinand, the conflict begun with the papacy under Philip V was continued. During the last reign, a concordat in 1737 had diminished the rights of the court of Rome in the disposal of ecclesiastical benefices, extended those of the state, and granted the treasury certain rights over the goods of the church. Attempts were made to restrain the power of the Inquisition and the tribunal of the nunciature. This conflict with the papacy began early in Philip's reign owing to the pope's having supported the candidacy of Archduke Charles of Austria to the Spanish throne. It was the Bourbon ideal of kingship to become sovereign in ecclesiastical matters. This tendency had been strengthened by

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Melchior Mancanas the fiscal procurator, Jean Orry and Madame des Ursins. At first the Council of Castile had sought to restrain this tendency and Louis XIV and Torcy cautioned Philip V to refrain from conflict with Rome. The concordat of 1737 shows that the Council of Castile also adopted the policy of centralization. The conclusion of another concordat in 1753 recognized the royal right of patronage excepting in the case of a limited number of benefices, and settled other disputed questions. Certain papal taxes were renounced in favor of the state; that of the cruzada was granted in perpetuity to the crown, and the right of exemption from taxation of lands held in mortmain was abolished; thus Ferdinand centralized state power still more.[13]

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13 Baudrillart, A., Philippe V et la Cour de France, V, 460; Chapman, C. E., History of Spain, 445.

The program of Ensenada, followed out in this reign, was directed to placing Spain on a level with France and England. Viewing his achievements, we exaggerate them by comparing the condition of the country at the end of Ferdinand's reign with the state of decadence inherited by the Bourbons in 1700. Much that was desirable remained unachieved, but sources of revenue had been developed, the army and navy had been increased, and means of defense had been improved. A continuation of Ferdinand's peace policy would undoubtedly have been the best guarantee of economic advancement under the succeeding reign and also of the completion of the plan set forth in

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Ensenada's memoir which he presented to the king in 1751.

5

The Heritage from France

Did Spain gain or lose by receiving a Bourbon king ? Although much that was deplorable remained, Spain had been aroused after a century of political stagnation. She profited much by being brought into close intercourse with a living country like France. Alfred Baudrillart, considering conditions of 1746, and comparing them with those of 1701, when the first Bourbon inherited the throne, declares that homage should be rendered to Philip V. But the writer adds, that if we consider what a man gifted with superior intelligence and firm will could have done, then one cannot but pity the fate of a generous nation which accepted to rule over its destinies a man of good desires, it is true, but of mediocre intelligence and an irresolute will.[14]

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14 Baudrillart, A., Philippe V et la Cour de France, V, 460.

Lafuente, the Spanish historian answers the same question. He points to the extensive dominions which Spain possessed in 1700 and calls attention to the loss of the Milanese, the two Sicilies, Sardinia, the Spanish Flanders, Minorca, and Gibraltar. At first sight it appears that the Bourbons but completed the ruin of the

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monarchy so powerful under the first Austrian princes. Also the levelling despotism of Philip V gave to the liberties of Spain a last stroke in abolishing the fueros of Aragon, Valencia, and Catalonia. Yet a glance at the reign of Charles V and his successors shows that the Bourbons but reaped the result of the ambition of their ancestors. The revolt of the Low Countries was the first step towards decline in the peninsula; and, during each reign after Philip II, a branch from the impoverished trunk fell away. If this was true of the direct successors under Charles V, under Spanish kings bound to the nation, could it be otherwise under a foreign prince ruled by two foreign queens and passing from the yoke of France to that of Italy scarcely ever asserting his own power ? [15]

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15 Lafuente, M., Historia General d' España, IV, 101.

Reviewing the reign of Philip V, Rosseeuw St-Hilaire sums up its benefits to Spain and calls attention to the great obstacles to advancement which retarded the efforts of the king's ministers. Much progress was due to Philip's readiness to approve and aid the plans of others possessed of the initiative which he lacked himself. In 1700 he inherited a country exhausted, without army or navy, without industry or manufactures; and in 1746 he had left an army which had upheld the national honor in his wars, and a marine which had gained the respect of Europe; and many establishments bore

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testimony to the revival of industry, trade, and the fine arts.[16]

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16 During this reign a powerful impulse was given to industries and commerce so deplorably neglected on account of the incurable contempt of the Spanish people for manual labor. During the seventeenth century, the true date of her decadence, the exploitation of the peninsula by foreigners had become alarming. The war of the Spanish Succession revealed to the country the immense resources which she possessed within herself, and economic science made an endeavor to advance. Due to the efforts of Alberoni, of Patiño, and even of Ripperdá, national industry commenced to emancipate itself. Dutch, Flemish, and especially French workmen and overseers, at a high cost, were brought to the peninsula to implant the native manufactures in which they were skilled. As those were exempted from taxation for a number of years, and were granted other privileges by way of encouragement, home industry could not flourish in the presence of the more favored foreigners.

The state though intending to protect, actually oppressed and imposed upon its subjects the produce of its manufactures, thus placing an obstacle in the way of beneficial competition. Also the past of the peninsula offered hindrances to advancement, for the method of collecting customs duties and the general system of taxes retarded progress (Rosseeuw St-Hilaire, XII,432-440).

The intellectual progress of the reign is shown by such institutions as the Royal Library of Madrid, the Spanish Academy, the Royal Academy of Barcelona, and those of Medicine and the Fine Arts.

While acknowledging the advance over the late Hapsburg reign, the reviewers of Philip V have pointed out the errors of the administration, which, in the main, was reprehensible, due to the frequent and heavy enterprises which prevented the accomplishment of the general economic reform so necessary.[17] Contemporaries

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17 Hume, M. S., The Spanish People, 476-479; Coxe, W., Memoirs, III.

Besides the obstacles placed in the way of the development

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of agriculture and industry, navigation and commerce were given a death blow by the triple barrier of taxes, prohibitions, and duties. Exterior commerce which was limited to exchange with the colonies, was hindered by privileges granted to England at Utrecht, and by the vigorous contraband trade overseas, due to Spain's inability to attend to the vast coast line of her possessions. Even unwise regulations retarded a trade which might have flourished under better management. In 1717 when Spain's Italian minister Alberoni suppressed the inland taxes for Spaniards and foreigners, Andalusia was excepted; and through that province had to pass all the merchandise of the Indies. Bernardo Ulloa, the economist, had in mind such measures as this when he wrote "other nations must laugh at our ignorance" (Rosseeuw St-Hilaire, XII, 440-441).

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of Philip V strove with little success to enlighten the government against the follies which retarded the progress of the nation. Zavala, Ustariz, Ulloa, Jorge Juan, and the Benedictine Father Feyjoo urged plans the accomplishment of which would have created a new Spain. The economic principles advocated by Jerome de Ustariz and Bernardo Ulloa were later adopted by Don Joseph del Campillo to whom, in 1740, was intrusted the affairs of marine, finance, and war. His death in 1743 deprived Spain of a capable minister when greatly needed in troubled times, yet he was succeeded by a statesman of real ability and practical knowledge of naval organization and finance - the Marquis of Ensenada.

Although Spain had advanced materially and intellectually, it was in spite of the continued wars which impoverished the royal treasury. This fact was grasped by Philip's half-brother Ferdinand who succeeded to the throne at the age of thirty-four. His wise and prudent policy of peace was the best means of advancing Spain in the path of prosperity.

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The reign of Ferdinand was fruitful in beneficial results to industry and commerce. It was an age of few merits yet one fraught with importance for the years that followed. Owing to the king's economy, the treasury at the time of his death contained 3,000,000 pounds sterling, and receipts were beyond the expenditures, a very satisfactory condition when compared with that which Philip left in 1746. As yet the good intentions of the government served in lieu of the science of political economy. Well-meaning royal decrees endeavored to increase prosperity; taxes on silks and wines transported from one province to another were diminished or suppressed; free exportation of grains and brandy was permitted on Spanish ships; and another regulation tried to encourage cod-fishing, a natural industry, which had suffered since the cession of New Foundland by France to England. That these ordinances might not be a dead letter, roads of communication between the provinces were needed. Every effort was made, but construction in Spain suffered countless interruptions. The canal of Castile, one of prime necessity, was decreed in 1752, but in 1826 was not yet completed. Like many other projects highly useful to the country, this was abandoned, - " an example of what occurs when the state makes itself contractor of works which private industry could accomplish more rapidly and with less cost."

Yet, owing to the peace which characterized the reign, many advances were made. The institutions established by Philip V were fostered under Ferdinand VI whose ministers contributed towards

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rendering them prosperous. While other nations were harrowed by war, Spain improved in agriculture, manufactures, and commerce; above all, there was a continuation of the intellectual progress.

Although Ferdinand had "few talents and less energy" he was the best sovereign Spain had known for centuries. In his testament his throne was left to Charles of Naples, his half-brother; and the queen-mother Elizabeth Farnese, was appointed regent until his arrival. Spain in 1759, differed greatly from that which was inherited by the first Bourbon in 1700. With the nation comparatively strong on land and sea, and the public service improved to a certain degree, progress was promised to the succeeding reign of Charles III.

The achievements of the early Bourbons, although not deserving of superlative praise, made additional improvements possible; and while it is true that Spain lost by the Family Compact, she was indebted to France for the initiation of the progress of the Eighteenth century.

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II

PENINSULAR AND COLONIAL ACTIVITIES UNDER CHARLES THE THIRD

I

International Relations

Upon the accession of Charles III, the tide of war between France and England was turning in favor of the latter due to the administrative skill of William Pitt, whose efforts finally succeeded in rendering his country victorious. After the war, England was greatly feared by Spain who saw in the disturbed balance of power a threat to her colonial possessions. Although rancor may have remained in the heart of Charles since 1742 when, as King of Naples, the English had forced neutrality upon him, yet there were events far more potent in determining[1] his future policy. The situation

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1 Chapman, C. E., History of Spain, 384.

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was by no means new as there had been, during the time of Philip V, four wars between England and Spain; if peace existed within the last few years it was entirely due to the determination of Ferdinand VI, who refused to enter into any conflict. However, there had been no restoration of confidence between the powers.

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France saw an opportunity to form another Bourbon alliance and the French minister, Choiseul, and D'Ossun, the ambassador at Madrid, succeeded in persuading Charles III of the necessity of a renewal of the Family Compact in the presence of so many English victories.[2] Grimaldi was sent to negotiate at Paris where prelimi-

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2 Rousseau, François, Règne de Charles III d' Espagne, I, 38-40.

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naries were soon signed. France thus would secure a prosperous ally and a market for her industrial products in the Spanish Indies.[3]

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3 Lemoine, J., Cambridge Modern History, VI, 351.

Grimaldi's departure for Paris had been hastened by the attitude of Pitt in reply to a list of the Spanish grievances since 1756. This had been drawn up and sent to Britain in 1760; it concerned contraband trade in the Indies and the Spanish claims to the Newfoundland fisheries. The reply of the minister showed that he refused to regard these complaints.[4] Although Grimaldi began

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4 Addison, Joseph, Charles the Third of Spain, 42; Lecky, History of England in the Eighteenth Century, III, 34.

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negotiations with haste he did not want the object of his mission in Paris to be known immediately. Choiseul was kept in suspense for

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a while to afford the English an opportunity to be frightened by the possibility of a French alliance.[5] while the French minister,

5 Grimaldi to Wall, 14 Feb., 1761. Arch. Hist. Nac. 4176, cited by Addison, 43.

equally shrewd, strove to urge Grimaldi to a declaration of his mission by hinting of a projected union between France and England.[6]

6 Ibid.

To those who best understood national conditions it was clear that Spain was not prepared for war. Her new ally was in an impoverished state after her losses during the Seven Years' War, and any conflict that involved England would surely prove disastrous. The queen and Richard Wall, the Spanish ambassador at London, saw this, and the reports upon the state of the army and navy confirmed their view;[7] but the arguments of Choiseul concerning the dangers which

7 Danvila y Collado, M., Reinado de Carlos III, II, 75-76.

threatened the Spanish American colonies prevailed, the alliance was formed, and Charles was in acknowledged opposition to England.

William Pitt, suspecting hostile plans, wished his government to be first in declaring war in order that the allies might be taken

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by surprise; but so violent was the opposition offered to his proposal that he soon resigned from the ministry.[8] In the meantime

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8 Ruville, Albert von, William Pitt, Earl of Chatham, II, 404-415; Lecky, III, 36.

Grimaldi was prolonging his business in Paris while France and Spain were gaining time for preparations.[9] Hostilities were begun in

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9 Lemoine, J., Cambridge Modern History, VI, 345; Lecky, III, 36.

January, 1762.

Events of war followed in rapid succession. Portugal, refusing to close her harbors against England, found her country invaded by combined French and Spanish troops which she soon forced to withdraw.[10] Greater success was attained against the Portuguese colony of

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10 Lecky, III, 42.

Sacramento on the La Plata river in South America. In the West Indies, France lost Martinique, Granada, Dominica, Tobago, St.Vincent, St. Lucia,- all taken by Admiral Rodney. The British Admiral Pococke besieged Havana which was strongly fortified against attack, and, after a vigorous bombardment, succeeded in capturing the city which

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was then occupied by a land force commanded by Lord Albemarle.[11] In

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11 Raynal, G. T., A History of Europeans in the East and West Indies, V, 127-129.

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the East the British under General Draper took Manila but agreed to refrain from plundering the city in virtue of a ransom partly paid by the governor who pledged the royal treasury responsible for the remainder.[12]

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12 Zúñiga, Martinez de, An Historical View of the Philippine Islands; Trans. John Maver, II, 162-180.

The treaty of peace which was signed at Paris, February 10, 1763, by no means allayed the fears regarding the Spanish possessions. England restored Manila and Havana in exchange for Florida and all other Spanish territory east of the Mississippi; Sacramento was returned to Portugal; all rights to fish in Newfoundland waters were forfeited by Spain; the right of the English to cut dyewoods in Honduras was acknowledged, and England agreed to demolish fortifications which British subjects had erected there; British courts of admiralty were to decide all questions arising out of England's seizure of Spanish ships prior to Spain's entry into the war; the islands, Martinique, Guadalupe, and St. Lucia were returned to France, while England retained Dominica, St. Vincent, Granada,

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and Tobago.[13] By a separate treaty signed at Fontainebleau between

13 Lecky, III, 50; Raynal, op. cit., III, 418.

Spain and France, the vast territory west of the Mississippi was ceded to Spain.[14]

14 Gayarré, Charles, History of Louisiana, II, 92.

More alarming than ever was the power of England; there was greater fear of contraband trade since these additional islands had been gained in the Gulf region; also the northern and eastern frontiers of the Spanish possessions in America were now bordered by British territory instead of French. A new problem was created by the transfer of Louisiana, for the inhabitants showed an objection to the change, and suspicion pointed to the English as instigators of the trouble. There was danger, too, that they might gain positions on the Mississippi and then penetrate westward. Rumors already told of their advance into Spanish territory.[15] The

15 Bolton, H. E., Texas in the Middle Eighteenth Century, 103.

English themselves hailed the transfer of Louisiana with delight, for they preferred Spanish neighbors to the French who were com-

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mercial rivals, and, with this barrier removed they hoped to extend their trade to the westward American ocean.[16] Another disagreement

16 Letter of Governor Dobbs of North Carolina, cited by Ogg, F. A., The Opening of the Mississippi, 322.

with the English government was occasioned by the repeated refusal of Charles III to pay the Manila ransom: reasons were urged - he had not promised it and moreover the British soldiers had not refrained from plundering the city.

The peace was of the nature of a truce and preparations for war were begun immediately while relations with England threatened all the while. The Spanish ministers studied economic conditions and planned improvements. Again in the history of Spain we find the old fear of England furnishing one of the leading motives for bettering conditions of administration. Greater attention was directed to the American colonies for it was realized that here was a means of increasing the royal treasury if only the colonial system could be improved. Services were rendered by Abbé Béliardi whom Choiseul, the French minister, had under his employment as agent-general of commerce and naval affairs. At the same time he acted as a secret diplomatic agent between Choiseul and Aranda.[17] During

17 Lemoine, J., Cambridge Modern History, VI, 351.

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the commercial inquiry carried out between 1758 and 1763 the markets of the West Indies were carefully studied with a view to increase the profits of trade, and some good results were achieved.

With successful improvements in the army and navy and the collecting of revenue, Spain soon became confident of her strength. France, too, had increased her navy, and, if the Family Compact would hold, Spain might offer a formidable opposition to England who was unprepared for war. The alarm for conflict was occasioned in 1770 by the expulsion of the English from Port Egmont by a Spanish expedition sent by the Captain-general of Buenos Ayres in obedience to royal orders. This whaling station in the Falkland Islands east of the Strait of Magellan was claimed by both England and Spain. In response to a demand for restoration and reparation, Charles III, supported by Aranda, refused to yield, and prepared for hostile action. In accordance with the Family Compact aid was expected from Louis XV but it was not granted. Aware that the resources of Spain alone could not oppose England, Charles III was forced to yield.[18]

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18 Addison, 52.

This manifestation of the failure of the alliance between France and Spain encouraged England in an endeavor to separate her opponents, or, at least, to prevent their union against herself.[19]

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19 Chapman, C. E., History of Spain, 390.

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For this purpose she sought to divert the attention of Spain to various disputes with the Sultan of Morocco and to her quarrels with Portugal over the boundaries in South America. An army under Count Alejandro O'Reilly was sent against a Moslem uprising which had attacked the Spanish posts in north Africa. Badly defeated, he returned to Spain where great ignominy was heaped upon him on account of the disaster.[20] British influence was pointed out as the cause

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20 This has been attributed to the malicious circulations of his enemies (Gayarré, History of Louisiana, II, 288-289). Joseph Addison gives reasons for believing the reports (Charles the Third of Spain, 149).

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of this display of hostilities. Later, between 1783 and 1786 satisfactory treaties were made with the Moslems of the Barbary coast and piracy and warfare ceased for a time. Commercial advantages were gained in the Mediterranean and it became possible to cultivate the fertile lands of Valencia which for so long had been exposed to the ravages of pirates.

The boundary disputes between Spain and Portugal in America were of a serious nature. Britain sided with the latter and gave assistance. The Treaty of Limits, made in 1750 during the reign of Ferdinand VI, had been abolished in 1761 leaving nothing settled. Portuguese affairs of this period were intrusted to the Marquis of Pombal who relied upon England's support in his manoeuvers. Dishonest efforts were made to gain Spain's territory in South America

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and all kinds of deceits were practiced against both governments in the hope that in some cases, at least, permanent possession might be assured before a knowledge of his duplicity could reach the distant mother countries.[21]

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21 Chapman, C. E., History of Spain, 392.

The policy of England soon changed as all her energies were needed to quell the disturbances in her colonies; she, therefore, announced an intention to take no part in these differences provided the territorial integrity of Portugal and Brazil would be respected by Spain. In October 1777, the treaty of St.Ildefonso and that of El Pardo were soon drawn up and the disputes regarding the American colonies ceased.[22] An event that furthered the conclusion of peace

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22 Ibid.

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between Spain and Portugal was the death of King Joseph; thereupon María Victoria, sister to Charles III, became regent, and Pombal was dismissed. England, thus weakened by the loss of an old ally, would be less formidable to Spain in future.

In their efforts against England, the American colonies had gained the assistance of France, who, after the defeat of Bourgoyne at Saratoga, recognized their independence and concluded a treaty of alliance and commerce with them under the name of the United

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States of America.[23] The aid of Spain was desired also; as early as

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23 An account of the French alliance is found in Claude Halstead Van Tyne's The American Revolution, 203-225, in The American Nation series.

December 30, 1776, the Continental Congress had passed a resolution wherein it was planned to offer help in recovering Pensacola bay on the condition that Spain grant the United States the use of that harbor and the free navigation of the Mississippi river.[24] Not

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24 Secret Journals of Congress, II, 40, cited by Ogg, F.A., The Opening of the Mississippi, 370.

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until June 23, 1779, did Spain enter the conflict; in the meantime, Charles III, hoping for the restoration of Gibraltar and Minorca as a recompense, had repeatedly offered to act as arbitrator in establishing peace, but his services being rejected by England, he united his forces to those of France against her. The occasion furnished hopes for the recovery of lost possessions, yet the danger of an American republic bordering upon Spain's dependencies was understood at Madrid; Count Aranda in 1775 had warned the king against supporting the revolted British colonies and Floridablanca had held the same view.[25]

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25 Coxe, W., Memoirs, V, 38.

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Don Bernardo de Gálvez, who had become governor of Louisiana in 1777, organized three campaigns in the Gulf region, and, at the end of two years had reestablished Spanish supremacy along that coast. The British posts, Fort Bute and Baton Rouge, were taken in 1779; the entire Mobile district was conquered in the following year and in 1781 Pensacola and all West Florida surrendered to Spain.[26] About the

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26 Fortier, Alcée, A History of Louisiana, II, 63-96.

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same time the governor of Yucatán expelled the British from the settlements in Honduras. In the hope of extending Spanish occupation to the Great Lakes, an expedition was sent northward but nothing of permanence was achieved.

In the early part of 1780 John Jay had been sent to Madrid by the United States for the purpose of negotiating in regard to the previous resolution passed by the Continental Congress. According to his report, there was manifested in Madrid no sympathy for the American cause. Floridablanca would consent to no alliance with the United States unless the government pledged itself to make no settlements west of the line established by the British king in the proclamation of 1763, and that Spain have the exclusive right to navigate the Mississippi.[27] Fpr the sake of securing a treaty of alliance

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27 Secret Journals of Congress, II, 310, cited by Ogg, F.A., The Opening of the Mississippi, 377.

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and commerce with Spain, the United States authorized John Jay to yield the demands concerning the Mississippi, but as no effect was produced, the minister was ordered to warn the Spanish government that the offer would be withdrawn unless a treaty of alliance followed speedily.[28] The alliance was never made, and discussions

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28 Secret Journals of Congress, III, 98, cited by Ogg, F.A., op. cit., 389.

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regarding it continued for several years. By 1788 so much trouble had arisen over the problem of navigation that an amicable solution seemed impossible. The settlement of the affair was passed on to the new government under the Constitution. As this question of trade along the Mississippi was occupying the attention of the Continental Congress in 1782, at the time when peace was being discussed at Versailles, it bore an influence upon the definition of the treaty.

While the brilliant successes of Bernardo de Gálvez attended Spanish arms in the Gulf region, secret negotiations for peace were discussed between Floridablanca and England on the basis of the restoration of Gibraltar but no settlement was reached. About the same time the Spanish minister devised the armed neutrality which was, in effect, a confederation of European powers against England's naval supremacy.[29] In February, 1782, the Spanish captured Minorca

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29 Coxe, W., Memoirs, V, 87-97; Mahan, Capt. A. T., The Influence of Sea Power upon History, 405.

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and by this victory were encouraged to make further aggressions. An expedition attempted the expulsion of the English from the West Indies while the French made attacks upon them in the East. An important event tending towards peace was the English victory of Admiral Rodney over De Grasse in 1782. It ended all possibility of recovering Jamaica, and the failure of an attack upon Gibraltar hastened the end of hostilities. England was willing to recognize the independence of the colonies and peace preliminaries begun at Versailles were concluded by the treaty of Paris, June 20, 1783.[30]

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30 Mahan, op. cit., 409-489.

England surrendered the two Floridas and Minorca to Spain, and her dyewood privileges in Honduras were limited. The French were permitted to take part in the Newfoundland fisheries. Spain restored the Bahamas to England.

The relations between powers were very perplexing during these negotiations. As the United States suspected the Bourbons of a scheme to deprive them of all territory west of the Alleghanies they laid aside all discussions with the continental powers and negotiated with Britain who agreed to their demands regarding boundaries. England preferred that the disputed inland territory should belong to the new nation rather than to either of her rivals. The treaty gave free navigation of the Mississippi to the United States but no one

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could guarantee that Spain would permit it.[31] During the next few

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31 Ogg, F. A., op. cit., 400.

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years much agitation was created in the southwestern part of the United States on account of the stagnation of trade caused by Spain's opposition to the freedom of navigation. The old commercial system, followed so long, was even more destructive to Spanish enterprise but her machinery of government could not act quickly enough to prevent the disasters that were bound to follow.

Although the conditions of peace were favorable to Charles III, a spirit of great unrest agitated the Spanish American colonies, and universal revolt was threatening. The dependencies in South America were ready to follow the example of their northern neighbors. In Peru and Mexico disturbances had followed an attempt to improve the methods of collecting revenue[32] but quiet was soon restored. A

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32 Coxe, W., Memoirs, IV, 331-336.

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rebellion of great consequence occurred in 1781 under the leadership of Tupac-Amaru, a descendant of the Incas; opposition to this uprising was successful, yet the movement of revolt was not suppressed until after 1783; and for many years the spirit of independence continued to animate the provinces of South America. Liberties were granted them, but these only widened the breach between dependency

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and mother country until, finally, complete freedom was sought and attained.

Joseph Addison has termed the peace of Versailles "the curtain-drop of the political drama" of Charles the Third's reign. During the remaining five years he negotiated successfully with Morocco, Turkey, Tripoli, and Algiers, and, to consolidate the alliance with Portugal, he sought to secure a dynastic union of the two countries by means of double marriages. While events of war occupied the world stage and during the more quiet years at the close of his reign, the fixed policy of reform which the king had adopted in the beginning was continued both in the peninsula and in the colonies. New measures were not always attended by success and in many cases the wisest method was not followed.

2

Political, Social, and Economic Reforms

When conditions existing in 1759 are compared with those suffered by Spain under the last Hapsburg ruler, manifestly much advancement had been made by the early Bourbons, yet stupendous problems awaited solution under the new monarch if that progress were to continue. It was with the eyes of a foreigner that Charles III looked upon his native land after passing his youth in Italy where as King of the Two Sicilies (1735-1759) he had acquired experience in governing. Although devoted to his kingdom and the Spanish people, long absence had alienated him from that contentment

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in old usages which made Spaniards willing that each generation repeat the past. Few changes were made in the ministry, but foreigners who accompanied him from Italy were granted offices of state and these were influential in urging reforms that accorded with the European ideas of the day. The Neapolitan minister, Tanucci (in whose hands King Charles had left the training of his son the future King of Naples) continued to dominate the opinions of the sovereign of Spain. The entire social, political, and economic movements of the reign bore the stamp of the age and reflected the new philosophical spirit which radiated from France.

As enlightened despots of that period, it was the policy of the Bourbons to benefit the people as much as they could without yielding any of their political prerogatives.[33] Charles III did not

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33 The material of this section is a digest of that found in C.E.Chapman's History of Spain, 458-471 and 410-442. This, in turn, is based upon Altamira Vol. IV. Other references that have been used are indicated by note as they occur.

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differ from Philip V in this respect but he made a concession to democratic tendencies by permitting certain elected members to hold positions in the ayuntamiento. Under Philip V the Cortes of Castile had steadily declined; it continued to lose power during the time of Charles III who summoned it only once and then for no matter of importance. The influence of the royal ministers assumed great proportions in this period but it did not lessen the absolute control of

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the monarch. Their force of power was brought to bear upon the royal decisions and it was eventually the king who acted. It was feared that the sovereign authority might suffer diminution on account of the circulation of the writings of the French encyclopedists, and every effort was made to prevent this; but, in spite of all, the new philosophy crossed the Pyrenees and controlled the policy of the reign.

A beneficial reform was made in 1787 in the establishment of the Junta de Estado which was a cabinet council of all the ministers to treat of affairs concerning more than one department. Before this, concerted action was impossible; it was usual to find the secretary of war obtaining the royal consent to some extraordinary item of expenditure without previously ascertaining whether the treasury could supply the funds.[34]

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34 Addison, 105-106.

During this period the Council of Castile grew in importance, not as a result of changes made in it but on account of the extent of its business and the authority possessed by the men who directed its deliberations. The numbers were increased from twenty-five to thirty, one more fiscal was added, and it was separated into six committees or salas.[35]

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35 Ibid., 107.

An account of the various salas is found in Jean François Bourgoing's Travels in Spain , Vol. I.

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In order to blend the Camara de Castilla with the Council of Castile, its fiscal was abolished and his work was done by an officer of the Council; also, it was ordered that all petitions addressed to the Camara be communicated to the Council. Certain other duties were assigned the Camara and it became a kind of board for settling all municipal affairs.[36]

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36 Ibid., 108.

The Camara was an offshoot of the Council, consisting of six members, with the president of the Council at its head. Its business was to safeguard the royal church patronage and decide all disputes arising from it, and to propose appointments to the councils and courts of justice.

The whole scheme of administration tended to centralize power in the king but the evils attending the system made changes imperative. The intendancies first established in 1718, and not effected until 1749, were again regulated and municipal affairs were overhauled. The total effect of the laws was to place the whole question of local income and expenditure into the royal hands. The privilege granted to the people of a municipality whereby they had a voice in the ayuntamiento served as a check upon dishonest officials of the crown and prevented the royal revenues from going astray. A deputy of the common people (diputado del comun) was to examine the financial reports of the towns and a popular syndic (sindico) was elected to represent them before the ayuntamiento with rights to deliberate and propose reforms.

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A necessary change was made in the government of the provinces which had been placed under the rule of a corregidor-intendente since Ferdinand VI had established that office in 1749. Executive and judicial powers in great confusion were invested in this functionary, the magnitude of whose duties rendered their performance an impossibility. King Charles separated the two offices and assigned limits to each.

Conditions in the Indies had made progress in response to the efforts of the previous Bourbon ministers, Patiño and Ensenada. King Charles was aware that the American possessions would be a source of revenue to the crown if the system of collecting could be reformed. Through the achievements of Julián de Arriaga and José de Gálvez the general situation was improved although the methods adopted were not always the best. The finances were increased but owing to losses occasioned by wars a deficit remained. The records of 1766 showed the excess of receipts over expenditures to be $8,312,500. Vast amounts were still lost by graft and flaws in the system were not entirely remedied.

So complicated were the affairs of the Spanish government in all the vast extent of her dominions that the codification of her laws became a problem of great importance. The Nueva Recopilación of 1557 passed through five editions in the eighteenth century with the recent laws added thereto, yet still remained confusing. The king, in his efforts to separate judicial and executive branches of the government, felt the need of a well-understood system. He

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encouraged the study of law and in 1782 appointed a junta to compile a code. Very little was accomplished by this body but an effort to temper the severity of the penal laws succeeded. During the next reign these endeavors were continued with scarcely more success for there remained that lack of unity in the laws and want of clearness in statement.

To better the conditions of the people, Campomanes endeavored to secure royal encouragement of the industries which had already reached a comparatively advanced stage under the early Bourbons. As legal protection was granted to every branch, times became more prosperous and the population increased. The cultivation of the soil at last began to be the principal basis of the national life although much of the arable country remained untilled. In schemes for the colonization of waste lands state assistance was granted and public works to facilitate communication were undertaken. Government support was given to a colonization movement which aimed at settling the desert region of the Sierra Morena, a range of mountains on the boundary line of the Mancha and Andalusia. German colonists were imported and the government of the new district was given to Don Pablo Olavide. Eventually the endeavor failed after having attained a certain degree of success. It rendered some services to the state as a preparatory school of reform where experiments in government were made before being applied to the provinces.

As in the previous reigns, skilled artisans were brought to Spain and model shops and factories were established; initiative and

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zeal were encouraged, - prizes were awarded for papers on industrial subjects, economic societies were founded and many of these published periodicals or provided schools for the study of agriculture, botany, chemistry, the trades, and economics. The advance of the chemical industries and the encouragement and protection given to mining resulted in a greater yield of the mineral products.

Other measures that advanced the industries were the removal of legal obstacles to the sale of waste lands, the reduction of customs duties, the establishment of a mail service, and the suppression of banditry and piracy. Under Charles III the ideal of state control of the industries, so persistently followed by Philip V and Ferdinand VI, was abandoned and new laws removed many of the old prohibitions. Government support was given to commercial companies and a series of decrees lifted the restrictions upon trade, and attempted the betterment of manufactures. Matters of trade were placed under the jurisdiction of juntas of commerce but the general tendency was to encourage and grant liberties to individual companies. The consulados, or mercantile courts, although of private origin came to have official duties such as the care of ports and the creation of schools of navigation. The evil of monopolies caused a retardation in many regions and this scheme for industrial and commercial progress hardly passed its initial stage during the reign of Charles III and never advanced into pronounced success.

The establishment of a national bank was an important contribution to the general advancement of the country. It aided greatly in

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relieving the government expenses and also established confidence. By its means funds were supplied for bridges, roads, canals, and other improvements that would otherwise have called for higher taxes.[37] Charles, like Ferdinand VI, failed in an attempt to levy

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37 Addison, 117.

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the unica contribución but he succeeded in reducing the alcabala and cientos on all the first necessities of life and thus relieved the poor of a burden they had carried too long.[38] Other reductions

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38 Instrucción Reservada, art.250, cited by Addison, 119.

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encouraged cattle dealers, farmers, and manufacturers.

While social life tended to become more modern under Charles III, remnants of an older order still survived. The lord's power of life and death over his villeins was abolished only in the reign of Philip V, and in the present period a sharp line continued to separate the classes in Spain. Lords still held certain monopolies; grandees and other nobles in possession of seignorial estates controlled the appointment of many municipal functionaries. These privileges were gradually suppressed and indirect methods were employed in making them take part in taxes such as a payment in lieu of military service, and the media anata which was required for recognition of the title of a successor to landed estates.

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Through the influence of Campomanes and Floridablanca an attempt was made to conform legislation concerning property with the ideas of the physiocratic school of thinkers. The general trend of the laws was to release vast estates and distribute lands among many persons. Municipal and ecclesiastical holdings were attacked and pious foundations were either compelled or else permitted to sell their real property. As the jurisconsults of the day were opposed to the holdings of "land held in mortmain by the regular and secular clergy" steps were taken to secure these lands and measures were adopted to prevent future grants of reality in mortmain. Also, there were laws passed requiring the registry of titles to land.

In the hope of attaching dignity to the despised menial work of the poorer classes, a law of 1783 declared the trades of artisans honorable. It was further declared that the practice of certain trades did not incapacitate a man from holding positions in the local government or even from becoming an hidalgo. Regulations favorable to the freedom of labor were passed and in consequence the guilds of this period declined in power although they remained numerous.

Social prejudice, which prevented the advancement of artisans to the hidalgo class in spite of the privileges granted them, was no more easily overcome by laws which endeavored to remove racial intolerance. Gypsies were admitted to the towns upon certain conditions; the law which confined descendants of Jews to separate quarters was revoked; a later law in 1785 permitted them

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to serve in the army or navy; Moors taken as prisoners of war were not to be enslaved. Such endeavors were mostly unsuccessful for the Spanish repugnance to these classes could never be forgotten.

In America this same distinction of classes was sharply marked. As the conquest had offered rare opportunities for advancement, many had achieved or purchased titles thus increasing the numbers of an upper class jealous of its privileges. The same contempt for labor was also manifested, and material prosperity was often hindered on account of it.

The life of the people in Spain underwent no great changes during this era. It was as usual characterized by simplicity and frugality in domestic affairs which always followed a regular routine; but the national fondness for diversion and sport was gratified by theatre-going, bull-fights, and dances; public festivals were numerous and very popular. As the nobility followed the king in his sports, an enthusiasm for the hunt was manifested by the upper classes. As Charles III was opposed to the popular recreations, court life admitted none of them and so was comparatively somber. His melancholy predecessors cared for a slight degree of festivity and there was a trace of gaiety in the royal palaces in those days. These Bourbon courts of Spain were remarkable for a strict morality such as never characterized those of their relatives in France. During the reign of King Charles many efforts were made to improve the general moral tone of Madrid, and the personal example of the sovereign was an aid to success.

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3

The Church and State

The Bourbon policy in relation to the Church was continued under Charles III, and with greater rigor than was manifested by his predecessors. This is surprising when we remember that Charles was a sincere Catholic devoted to the exercise of his religion. In seeking an explanation of this attitude, the influence of the ministers of the reign cannot be over estimated.[39] In studying the character

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39 Rousseau, François, Règne de Charles III d' Espagne, I, 110.

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of the king, François Rousseau has found a solution to the difficulty:

> ... Two men co-existed in him,- the faithful subject and the king. The first, of irreproachable orthodoxy, little inclined to novel ideas propagated by the encyclopedists, reproved their doctrines; the second willingly relied upon councilors who admired and valued the French philosophers. The king found in them zealous collaborators for the defense or the claims of his royal rights, which he endeavored to obtain without any scruple of conscience and with the serenity and perseverance of a narrow mind infatuated with his dynastic prejudices.

The first difficulties with the Holy See arose on account of the publication of pontifical bulls in the kingdom. The Italian translations of a work by the Franciscan, Messenguy, were condemned by a brief of June 14, 1761. The inquisitor at Madrid had copies of the edict published and circulated, although the king had sent messages to the contrary. The sentence of exile pronounced against the in-

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quisitor was revoked when satisfactory explanations were offered. The Council of Castile immediately took measures to prevent a repetition of like disturbances. Their deliberations resulted in the Pragmatic Sanction of January 18, 1762. This established that, in future, the bulls, briefs, and pontifical letters addressed by Rome to a tribunal, a junta, a judge or a prelate should, before reaching their destination, be submitted to the Council of Castile, which would examine if such were prejudicial to the royal rights and legitimate customs, or detrimental to the peace of the kingdom. By a royal cédula the inquisitor was forbidden to publish any edict emanating from a bull or brief without the express orders of the king. When these regulations were revoked in a year and a half, many saw Jesuitical influence at work and expressed freely their displeasure.[40]

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40 The active part taken by the ministers in these measures is revealed in the correspondence between Richard Wall, minister of foreign affairs, and Tanucci the Neapolitan minister, who had been left, in 1759, in charge of the future king of Naples, the son of Charles III. Citations from these sources are found in Rousseau's work already mentioned, I, 116-119.

The hostile attitude toward the papacy was quickly resumed by Charles III, and measures were taken to increase the royal authority over ecclesiastical affairs. Bishops could not appoint vicars without the prior consent of the king; in conflicts between the civil and ecclesiastical courts, the former should be favored; rights of asylum were restricted; ecclesiastical judges were not to attend to the temporal aspects of matrimonial cases; laws reducing the financial

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immunities of the church were passed; the alcabala and the milicias (military tax) were to be paid by the clergy; laws were passed regarding lands held by the church; an attempt was made to lessen the number of the clergy and the list of benefices and chaplaincies; priests whose parishes were not in Madrid were ordered to leave the city. In 1780 the pope authorized the collection of as much as one third of the income of benefices to which the king had the right of nomination as regulated in the existing concordat. Thus, more and more, the king exercised authority over ecclesiastical affairs.[41]

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41 Chapman, C. E., History of Spain, 452-455; Altamira, IV, 236-243.

The same decrease in the scope of the jurisdiction of the Inquisition, which was marked under the early Bourbons, was continued during the reign of Charles III. Jean François Bourgoing, after a residence of eight years in Spain, wrote, in 1789, of his impressions there. His account of the Inquisition of that period shows that drastic punishments, though rare, were still in vogue. He writes of Count Aranda's efforts of 1762 to restrict the power of the Holy Office in Spain and refers to a royal mandate of 1770 which confined the jurisdiction of the Inquisition to crimes of heresy and apostasy. He calls attention to a revival of rigor in the case of Don Pablo Olavide who is known in connection with the Sierra Morena colonization experiment; pardon was granted upon his solemn abjuration of heresy. He

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also cites the case of a woman burned at the stake in Seville in 1780; the charge was sorcery and witchcraft. Attention is drawn to a law of 1784 which determined that, in actions directed against any grandee of Spain or any of his Majesty's ministers or officers, the whole proceeding should be laid before the king to be examined and revised. The author, summing up his impressions at that time, declared, - "this tribunal is far from being so dreadful as in other countries is generally believed." That the activity of the Inquisition steadily decreased is shown in the account of a later visit by Bourgoing in 1792 when he declared that all fear of the institution had by that time passed away,- "during my stay in Spain, which was for the space of more than a year, I do not remember to have once heard the name of the Holy Office."[42]

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42 Bourgoing, Jean François, Travels in Spain, I.

The nature of the Spanish Inquisition has been generally misunderstood because the accounts of it have been written in the light of later times; that it was an institution framed in an age of intolerance has been overlooked. The excessive use of torture and the cruel punishments of burning at the stake and confiscation of property were customs that persisted from previous centuries.[43] These severities

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43 The type of severity used in Spain had developed from events in 1231 when Frederick II had been urged by Gregory IX to prosecute with vigor the heretics in the Sicilies. By the Sicilian Code, heresy was declared a crime against society of equal gravity with treason and liable to the same penalty; state officials were

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instructed to prosecute it as any other crime. An imperial law of 1237 condemned all heretics to death, and, as no particular kind of death was indicated, the common German custom of burning at the stake became the law by usage (Vacandard, E., The Inquisition, Trans. B. L. Conway, C.S.P., 113-114).

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were an expression of the legislative power as well as of the popular attitude against heresy in an age that dealt violently with offenders of every class. The extremes to which the zeal of inquisitors carried them were often censured by the papacy which recognized the injustice of its agents.[44]

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44 Vacandard, E., The Inquisition, Trans. B.L.Conway, C. S. P., 197-200.

The movement against the Inquisition in Spain was a part of an opposition that extended throughout Europe and the Indies. As the institution in the Spanish dependencies was usually subordinated to that in the mother country, changes in Spain were soon transferred to her possessions. As King of Naples, Charles had curtailed the powers of the institution until by 1746 it had ceased to exist. In the Americas and in Spain the same policy was followed. Although the Holy Office in Mexico was practically independent, owing to its great distance, it shared the general repression. A decree of 1760 withdrew privileges of the officials, and in 1767, after some disagreements with the audiencia, its power was greatly decreased by a series of regulations. The same restrictions in the functions of the Inquisition

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were carried out in the Philippines, Peru, and New Granada.[45]

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45 Lea, Charles Henry, The Inquisition in the Spanish Dependencies, passim.

Another measure more far-reaching in its effects was the Bourbon opposition to the Society of Jesus. The action of Charles III against the Jesuits was the culmination of a series of events which had long tended to produce in the king an attitude of mind unfavorable to the order. The anti-religious opinions of Count Aranda were well-known; and, during his ministry, efforts both open and covert were directed against the clergy and the Jesuits. The determination to accomplish the expulsion of the Society is manifested in the proceedings of the secret inquest against it. The sincerity and obstinacy of the king were marked characteristics, and his hand would never have been put to the decree had not the ministers persuaded him that the measure was necessary for the preservation of the royal life and authority - both harassed, as they claimed, by the presence of the Jesuits in the kingdom. Arguments showing that the monarch in this proceeding was animated by hatred and the desire of revenge are not convincing.[46]

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46. A forged letter pretending to be from the General of the Society, Lawrence Ricci, in which the legitimacy of the king was questioned has been given credence by Coxe and Sismondi.

Rousseau about this says: "These scandalous stories, up to the present time, have no historical value and are not based on authentic documents" (Règne de Charles III d' Espagne, I, 218-219).

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The recent expulsion in Portugal and France, combined with the popularly circulated stories of the limitless power and wealth of the Jesuits, rendered it an easy matter to arouse sentiment against the order. Political events, too, contributed a large share to the opposition. As far back as 1750, the Indian rebellion attending the proposed transfer of the Paraguay missions from Spanish to Portuguese rule had created suspicions not yet forgotten. The stories of the Jesuits' usurpation of power in establishing an independent monarchy in those South American regions were widely circulated and a lasting impression was conveyed. Again, when Charles III had tenaciously advanced the process of canonization in the case of Bishop Juan de Palafox y Mendoza, the Jesuits had been successful in placing obstacles in the way, and this was not soon forgotten by a king firmly attached to his opinion. The Spanish universities, which had lost their prestige, harbored a resentment against the Society so eminently successful in the work of education. Also, within the church itself there was manifested an opposition to the influence exercised by the order.[47] Above all, the

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47 Alzog, John, Manual of Universal Church History, IV, 64-65, Trans. Pabish and Byrne, from the ninth German edition, 1892.

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responsibility of the "well-organized" Madrid riots of 1766 was laid upon the Jesuits, for it was maintained that they alone could have possessed the influence necessary to instigate them.

These riots were the ultimate expression of the native resentment to foreign innovations under the new regime of Esquilache,

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minister of finance. His improvements in the cleaning and lighting of the streets of Madrid, and the creation of a much-needed police force were tolerated but not appreciated. The tax on eatables and the prohibition against the wearing of the customary flapped hats and long cloaks brought the resentment to a climax and the famous Madrid riots were the outcome. The banishment of the offensive minister was demanded and obtained, - a concession to the populace that wounded the pride of the king.

It was pretended that the Jesuits had provoked the disturbances in the capital, and so an endeavor was made to discover the authors of the trouble. This was termed the Consejo de Castilla en extraordinario and was composed of members of Aranda's own choosing; in order that the prestige of the Council of Castile might be attached to its proceedings, the title of the Council figured at the head of all decisions rendered.

The procedure was entirely too partial for one to accept without reserve the sentence of the special tribunal before which the Jesuits were arraigned. The proclaimed results of the investigation bear the stamp of a foregone conclusion, and Aranda's acknowledged bias supports this view. It is very likely that the Jesuits were compromised by some members and that the Society endeavored to clear its responsibility by disowning them.[48]

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48 Rousseau, François, Règne de Charles III d' Espagne, I, 201-208.

On September 20, 1766, Father Idiáquez, an illustrious Jesuit, wrote to one of the ministers a letter to declare that he was very anxious and very much mortified on account of excesses

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committed by some of his subordinates and that they had been duly punished. He begged the king not to confound the innocence of the entire body with the culpability of a few individuals carried away by zeal.

It is said that the Duke of Alva confessed to having formed the plot to discredit the Jesuits (De Murr, Journals, IX, 222, cited by Campbell in The Jesuits, 1534-1921, 511).

An assembly of February 20,1767, examined the advice of the extraordinary council, its sentence, and the plan of the execution; His Majesty, in publishing the decree, declared that he esteemed it proper that the motives of his decision should remain in his royal breast. The decree, signed on February 27, 1767, was kept secret until after midnight of March 31, the date set for the expulsion.[49]

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49 Rousseau, François, Règne de Charles III d' Espagne, I, 217-218; Simonde de Sismondi, J.C.L., Histoire des Francais, XXIX. 234 et seq.

Circulars were despatched to the governors of the colonies, and, in a few months, all orders pertaining to the action against the Jesuits were carried out in America. Little resistance was met; in Spain, the perfect submission of the exiles told of their adherence to authority represented in the monarch; about two thousand seven hundred members of the Society were gathered from the scattered institutions and conducted under arrest to the parts where they were embarked for the Papal States. In America, where the power of the Jesuits was greater, the friends of the order in some instances strove to defend them.

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In general, revolts in favor of the Company were relatively insignificant when we recall, that the Jesuits were so formidable in the colonies. The expulsion was accomplished without notable incident in Peru, California, Cuba, San Domingo and the Philippines. A few defensive movements disturbed the peace in Paraguay, at Salta y Jujuy and in the village of San Lucas. José de Gálvez, intrusted with the order of expulsion in New Spain, met with opposition at San Louis de la Paz, San Louis Potosí, and Valladolid. Here, as military precautions had been taken in expectation of resistance, the punishment so readily administered, outweighed the gravity of the offences.[50]

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50 Rousseau, François, Règne de Charles III d' Espagne, I, 227-232; Priestley, H. I., José de Gálvez, 210-233; Moses, Bernard, Papers on Southern Spanish Colonies in America, 103-126.

From the interior, the members of the Company were conducted to the chief ports for embarkation, - to Valparaiso, Buenos Ayres, and Vera Cruz. About six thousand Jesuits from America were conveyed to Europe to join the others destined for the Papal States. The exiles were not admitted, as the pope saw reasons for excluding them; there was little territory, and means of support were not sufficient for the additional numbers; the twenty cents or so per day, allowed by the Spanish king, would probably be withdrawn when this harbor would become their permanent home, as had happened in the case of those banished from Portugal. However, after being landed at Corsica, many found their way to the Papal States and were willingly received, thus

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indirectly, while others took refuge in neighboring States. The Bourbon policy, in united action, soon succeeded in gaining the suppression of the Company, as a religious order, under Clement XIV who was prevailed upon, for political reasons, to acceed to the Bourbon demands.[51]

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51 Rousseau, François, Règne de Charles III d' Espagne, I, 232-242; Simonde de Sismondi, J. C.L., Histoire des Francais, XXIX 373-377; Alzog, John, Manual of Universal Church History, Trans. Pabish and Byrne from ninth German ed., 1892, IV, 63-70; Campbell, J., The Jesuits, 1534-1921, 530-554.

The loss to Spain was chiefly in the field of education, but particularly in America was subsequent history affected by the expulsion. The work of the missionaries, so intimately associated with the exploration and the conquest, had rendered possible the establishment of Spanish rule and civilization. Their labors with the native population in newly acquired territory were of great value to the state and the efforts made to fill the void were in many cases worse than failure. A relation of the conditions under the new system belongs to the record of reforms initiated and sustained during the rule of Charles III. It is, thus far, clear that the ecclesiastical policy of the Bourbon king was to withdraw powers exercised by the church and place them within royal control.

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III

THE REFORM POLICY EXTENDED TO THE INDIES

1

The Colonial System

The Spanish colonial system, which had developed from conditions existing in the early period of conquest, adjusted itself gradually to the varying needs of later times. The machinery of government was fraught with mingled good and evil for the far-off American possessions, which always suffered the disadvantages so commonly the lot of dependencies. The complex system of dividing the subordinate government into two portions - one in the mother country, the other in the colony - was observed by Spain. Through the Council of the Indies at Madrid, and the viceroys and the audiencias in America, the kingdoms in the New World were governed. The privilege of making laws without the consent of the colony belonged to the mother country; and, since the home and local administrations were often at variance, the good of the American possessions was occasionally sacrificed to economic interests in Spain. Although the Spanish monarch aimed at increasing the prosperity of his dominions and the happiness of his people, the instruments employed were not always productive of good. Officers, natives of the mother country, were appointed to positions in America

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without due regard for qualifications, while the natives of the colonies were excluded. Through lack of information or a due understanding of the colonial needs, objectionable regulations were often passed with no thought about adaptability to circumstances and conditions.[1] A body

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1 Lewis; G. C., The Government of Dependencies, Introd., XLV-LIX; 86-88.

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of laws, peculiar to the Spanish colonies in America, was gradually evolved by the legislation of the Council of the Indies and of the viceroys; and, in 1680, these laws were assembled, and they were published several times in the eighteenth century with the additions which had been made; the collection is known as the Recopilación de Leyes de los reynos de las Indias.

The policy of conducting the colonial government by Spaniards was deemed necessary in order to secure the collection of revenues and the advantages to be derived from the monopoly of colonial trade. Yet, through corruption of officials and inefficiency in procedure, much of the revenue was lost, and economic stagnation was the result of the restrictive policy.

A system of isolation had developed owing to the vast extent of the American possessions and the impossibility of providing adequate military defense; therefore, Spain sought the only remaining method of protection, that of forbidding all intercourse with foreigners.[2]

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2 Roscher, W., The Spanish Colonial System, Trans. E.H. Baldwin, Ed. E. G. Bourne, 28.

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During the time of Philip V, limited privileges had been cautiously granted to commerce, and, by a series of measures passed between 1763 and 1788, Charles III greatly furthered communication between Spain and the Indies by reforms, the chief of which were the removal of the ban on intercolonial trade, in 1774, and the publication of the Reglamento of 1778, whereby free trade was established between Spain and the American possessions.[3]

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3 Priestley, H. I., José de Gálvez, 32-33; Smith, D. E., Viceroy of New Spain, 114.

Oftentimes the reforms meant to further commercial prosperity were fruitless because unaccompanied by the requisite changes in political organization. The vast extent of territory, over which the energy of a central government was scattered, combined with the slow means of communication, presented an almost insurmountable barrier to the achievement of success. Unlike the English colonial government, the Spanish system did not encourage the strengthening of local administration.[4]

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4 Blackmar, F. W., Spanish Institutions of the Southwest, 10-11; Keller, A. G., Colonization, 18-19.

After 1763, the acquisition of Louisiana increased the difficulty of protecting the frontier, and funds were needed to carry out the necessary measures. Danger from the English and the Russians

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made it imperative to occupy Louisiana and the Californias and to secure peace with the northern Indian tribes. To meet the costs Charles III relied upon additional funds secured from church property, and upon the increase of revenue which he hoped would result from improved administration. Authorized inspectors were sent to study conditions and advise plans for betterment. Almost royal powers were give José de Gálvez the visitador general whose work in New Spain extended from 1765 to 1771. During this period every phase of the frontier problem received his attention. Military measures were taken against the molesting Indians of the northwest; the plan of Marqués de Rubí which provided for a line of fifteen presidios extending from Matagorda bay to the Gulf of California was ordered to go into effect in 1772. Of this last, it may be said that it was a measure to curtail expenses, as garrisons were more numerous before this; but owing to the new position of Texas as an interior province, since the acquisition of Louisiana, some few of the presidios were deemed unnecessary. Expeditions were sent into the Gulf region to ascertain the presence of the English traders rumored there. The frontier provinces were made revenue - producing by extending the payment of the tribute as far north as possible, and by the establishment of monopolies on tobacco, playing-cards, gunpowder, and quicksilver; another important measure was the creation of the Cuerpo de Minería, in 1774, which raised the status of miners to the level of that enjoyed by merchants.[5]

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5 Priestley, H. I., José de Gálvez, 74,135 et seq., 267, 288; Bolton, H.E., Texas in the Middle Eighteenth Century, 103-107.

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Before leaving America in 1771, José de Gálvez had formed a plan of northwest advance, and, by his personal labors, had begun movements that resulted in the permanent occupation of Alta California. His motive here was to develop and fortify this part of the Pacific coast, that it might serve as a bulwark for New Spain. After 1775, when José de Gálvez became minister of the Indies he continued to formulate and execute plans for the improvement of colonial administration. In 1776, he instituted the comandancia general, an arrangement providing changes in government by separating all the frontier provinces (including the Californias) from the viceroyalty. Besides the Reglamento of 1778 for the freedom of trade, José de Gálvez secured another change in the affairs of the Indies; the intendant system, partly tried in 1767, was introduced into New Spain by a decree of December, 1786. This aimed at lessening the work of the viceroy and reorganizing the duties of other officials, thus to secure greater efficiency in government.[6]

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6 Chapman, C. E., The Founding of Spanish California, 68-91; Priestley, H. I., José de Gálvez, 289-292; Bancroft, H. H., History of Mexico, III, 452-455.

Whether or not these measures of reform were successful is answered by subsequent history. As soon as the Ordinance of Intendancies became known, much conjecture as to its worth arose. It is interesting to follow the criticism of this new feature of government furnished by Hipólito Villarroel, an alcalde mayor in New Spain, who

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wrote about it in 1789. Before the end of the reign of Charles III in 1788, there was ample opportunity to see the effects of his reform policy both in Spain and America. Had this king been followed by a monarch capable of governing, the well-intentioned and extensive reforms of this period might have been made productive by the application of corrective measures where needed.

2

The Relaxation of Commercial Restrictions

The fear that foreigners might secure a footing in Spanish America and thus menace the safety of the colonies, held Spain to the old policy of rigid exclusiveness. All intercourse with foreigners, without permission, was forbidden on penalty of death and confiscation of property.[7] This commercial monopoly bound the colonists by the most rigorous laws. It prohibited their resorting to foreign markets for supplies; compelled them to ship their chief staple productions to the mother country alone; and obliged them to export these in the raw, unmanufactured state. Moreover, certain restrictions on production were meant to protect the industries of Spain; for this reason the cultivation of grapes and olives was forbidden. At the same time,

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7 Recopilación de Leyes de los reynos de las Indias, Lib. IX, tit. 27.

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intercolonial trade was prohibited entirely or bound by paralyzing regulations.[8]

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8 Lewis, G. C., The Government of Dependencies, 216; Bancroft, H. H., History of Mexico, III, 627.

In the colonies, commercial courts, known as consulados, were intrusted with the supervision of trade and the decision of questions pertaining to mercantile affairs. Besides the protection of commerce, to them belonged the repair of ports and highways. Until the galleons were discontinued in 1748, the old fleet system of Hapsburg days was the method of transportation between Spain and the Indies. The registered ships, sailing without the restriction of scheduled time, and employed first in 1740, had promised more satisfactory results. Before 1765, when certain reforms were introduced, the Seville-Cadiz monopoly of trade had enriched the merchants of these ports at the expense of the others. Also, in America, the cities of Vera Cruz, Porto Bello, and Acapulco furnished means of wealth to the favored few while traders in other parts suffered from the restrictions thus limiting the ports of entry. Prices of foreign articles soared in proportion to the difficulties of their shipment.

The privations endured on account of this system may be imagined if we picture the consumer who dwelt, in those days, in the region of La Plata where the nearby ports were closed. If he desired European wares, he was forced to receive them indirectly

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from Cadiz; the fleet to Porto Bello arrived twice annually, and, by pack trains the goods were carried to Panama where they were taken by small fleets to Peru. From this province they were transported across the interior where a price that would cover all these expenses was placed upon them. The obstacles presented to trade are even better understood if we remember that Buenos Ayres succeeded in becoming an open port and threatened to rival Lima. European wares were making their way across the interior to the Pacific from the growing city. In answer to protest, the Council of the Indies established a line of custom houses spanning the distance from Buenos Ayres to Lima. In this region, particularly adapted to grazing, vast herds might have been a source of wealth to thousands, but, with no market for their products this industry was long discouraged, and an ox on those plains remained worth about one dollar and a sheep might be estimated at three or four cents.[9] The history of this port alone reveals the

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9 Moses, B., The Establishment of Spanish Rule in America, 280-286.

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folly of the old restrictive system. If Buenos Ayres advanced to importance at all, it was, in the first place, due to well-organized and open smuggling carried on with foreigners, and, if her annals during the last decade of the reign of Charles III, record years of prosperity, it was due to the freedom of commerce then granted.

But Spain was slow in establishing the necessary remedy, although the evils of this system were recognized. Shipping methods

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improved, but trade with the mother country advanced little in the early years of the reign of Charles the Third owing, in part, to the predominance of smuggling which flourished during the period of the Seven Years' War, the "golden age of contraband." English traders of Jamaica found markets along the coasts of Spanish America where officials left them unmolested, and, through the Portuguese of Brazil, this contraband extended into South America.[10]

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10 Rousseau, François, Règne de Charles III d' Espagne, II, 20-24.

The history of Havana shows the depressive influence of the restrictive system followed by prosperity under greater freedom. When Spain permitted only two vessels to enter the port annually, the receipts never exceeded $30,000, but in 1762 when the city was captured and held for a time by the English, 960 merchant ships entered, and the imports and exports exceeded $400,000; and, the island of Cuba which was scarcely able to supply the mother country with sugar before 1765, could provide all Europe in a few years after freedom had been granted.[11]

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11 Rousseau, François, Règne de Charles III d' Espagne, II, 20-25; Roscher, W., The Spanish Colonial System, Trans. E.H.Baldwin, Ed. E. G. Bourne, 36.

Cf. Macpherson, David, Annals of Commerce, III, 404-405.

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After 1763 there were decided changes in Spanish colonial affairs not entirely due to the war and the transient occupation of Louisiana, but consequent upon the economic development within the Americas. The decline suffered by the mining industry in the provinces where the precious metals abounded, had directed attention to products of the soil and to cattle-raising. A taste for exchange, acquired during a period when smuggling reigned, created not only a stronger desire, but a demand for freedom of trade. Moreover, the colonists had learned to take the management of commerce into their own hands.[12] As these American possessions continued to be an object

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12 Abbott, W. C., The Expansion of Europe, II, 275.

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of envy to other nations, it was clear to Spanish statesmen that some means of amalgamating the empire against foreign encroachment should be put into effect if these territories were to be retained.

A series of commercial reforms marked the efforts of Charles III in his attempts to improve the situation. To Louisiana, after the transfer, commercial privileges were granted in spite of the severity of existing regulations binding the surrounding colonies. By a decree of May 6,1766, traders of Louisiana were authorized to exchange certain goods with Santo Domingo and Martinique, an exceptional privilege at the time. Unpleasant recriminations against the minute formalities which they were obliged to observe were the only thanks offered. Through the intercession of Choiseul, the French minister,

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the court of Madrid granted to Louisiana greater freedom in 1768. Perhaps the argument that swayed the decision in this case was that if liberty of commerce were given to Spain's new French subjects they would remain in Louisiana where their presence would prevent conflicts with the Indians.[13]

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13 Rousseau, François, Règne de Charles III d' Espagne, II, 12.

During a span of fourteen years, radical changes transformed the possibilities of commerce. In 1764 there was organized a mail service between Corunna and Havana and the same was carried out for Buenos Ayres with branch lines extending to other places. In the following year, trade with the principal islands of the West Indies was opened to all Spaniards and to a number of ports in Spain; Louisiana, in 1768, received these privileges, also. Cuba reaped splendid results from these advantages. Vessels entering there in 1765 numbered no more than six, but by 1778 there were two hundred in the port annually; duties collected in Havana tripled between 1765 and 1770 while exports rose in the same ratio. Campeche and Yucatán received concessions in 1770 and four years later the prohibition of intercolonial trade was removed. Lastly, the famous Ordenanza o pragmática del comercio libre of October 12, 1778, extended freedom to all the Indies. Foreigners were not included in this liberty of exchange, but a grant that permitted untrammelled communication between any Spanish American ports, without exception, foretold

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a revivified commercial activity.[14] Although the good results were

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14 Roscher, W., The Colonial System, Trans. J. Baldwin, Ed. G. Bourne, 36-39; Priestley, H. I., José de Gálvez, 201-204; Lerdo de Tejada, M., Comercio Esterior de Mexico, 10-18.

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not reaped immediately, the steady progress already noted in the case of Buenos Ayres and Cuba promised a continuation.

3

Results of Reform as Exemplified in the Commerce of New Spain

Freedom of commerce, granted by the Reglamento of 1778, predicted a new economic life for Spain and the colonies. To what extent the promised benefits were reaped is revealed by a study of the period immediately following it. This shows that certain localities advanced rapidly to better days while others were greatly hampered by conditions requiring a longer time for adjustment. A graphic account of commercial conditions in New Spain is furnished by Lisenciado Hipólito Villarroel, an alcalde mayor of that period. Leaving aside the fact that Villarroel's view may not, in all things, agree with contemporary opinion, we know that his position furnished opportunity for close observation of events in 1785 when his treatise was written. The sum total of inconveniencies brought to bear upon the exercise of his own particular functions as an alcalde mayor may

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have prejudiced him against the general workings of the new order; but the manifest sincerity and honesty of tone demand respect, and characterize the writer as a constructive critic who not only points out the flaws, but, with an aim to help, furnishes carefully planned suggestions that are the outcome of long experience in office.

It is generally admitted that measures attempting to check the monopolies at Cadiz were unsuccessful. The transition from an age of detailed and rigid rules of commerce to a period of freedom required time, and, even toward the end of the reign of Charles III, the condition of trade was unsatisfactory. Prices were exorbitant and it was difficult for many in the colonies to provide themselves with the staple necessities. Vessels returning from America carried large quantities of gold and silver to the Spanish ports, yet the mother country was not enriched. Spain, unfortunately, relied upon foreigners to supply her needs, and, to these merchants, vast sums were paid out of the country and poverty prevailed among many at home.[15]

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15 Colmeiro, M., Historia de la Economía Política en España, II, 444-447; Leroy Beaulieu, P. P., De la Colonisation chez les Peuples Modernes, I, 38.

Villarroel, in his day, saw in the Cadiz monopoly and in the presence of the foreigners in the markets, the root of existing ills in New Spain. In the treatise relating to commerce, he lauds the endeavor by which Spanish ministers, for so many years, sought

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to check that port in its dominance over trade. He saw in Cadiz merely a warehouse for the wealth of foreign powers and with the millions of the Indies passing through the port and leaving scarcely a trace of having arrived, the entire peninsula was threatened with ruin.[16]

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16 François Rousseau points out the dependence of Spain upon the skill of the French manufacturers; he mentions 153 French stores in Madrid and 72 wholesale houses where goods destined for exportation to the Indies were sold. He observes that articles of luxury formed the bulk of commodities. He calls attention to the hatred of the Spaniards for the French, and says that Choiseul, the French minister, found it difficult to have them protected there (Règne de Charles III d' Espagne, II, 18).

To understand Villarroel's exposition of the commercial situation, we must transport ourselves to New Spain and remember that we learn from an alcalde mayor of events transpiring in 1785. In Cadiz the merchants, still striving to hold the old monopoly, were rendering ineffective the measures taken to improve commerce by the Ordinance of 1778. If the Spanish dominions were to be prevented from becoming tributaries of other nations, it was necessary for the government to bind the merchants of Cadiz to lawful trade.[17]

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17 The treatise on commerce is a part of Hipólito Villarroel's Enfermedades y los Remedios para su Curacion, M.S., parte 4, Tom. III, 67-131.

These six treatises have been translated with critical notes by Misses Loretta Wilson, Helen Lamson, Josephine Kravchyk, and Josephine Cuneo as Masters' theses at the University of California. Their translations have been used in this thesis.

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Under the new system, the treasury increased somewhat; and it was true that Cadiz was of service in supplying the needs of New Spain but obnoxious methods were employed. Powerful houses, by cornering goods, kept up the demand and secured high prices. Although many buques de registro continued to arrive in Vera Cruz, after the English power had been restrained in the recent war (1776-1783), yet prices upon imported goods remained exorbitant. Governmental assistance was absolutely necessary if the correction of abuses was to take place. As an aid to officials who might have the will and the power to accomplish this, Villarroel furnished a list of recommendations which he thought suitable to secure a just price upon sales to the public.

The alcalde's exposition of the commercial problem, as it appeared in 1785, may be summarized thus:

I. Trade in New Spain is influenced by conditions in the peninsula where-
   1. Cadiz holds a monopoly in spite of the Reglamento of 1778, and
   2. The profits on merchandise revert to their origin, the French factories.

II. The reasons why Mexican retail-merchants pay such high prices for goods, abundant in Vera Cruz, are -
   1. The Spanish merchants demand exorbitant prices claiming that it is necessary -
      a. To cover the cost exacted by the French manufacturers, or
      b. To pay the Spanish manufacturers who must sell high to meet the expenses of transporting goods to Cadiz.
      c. To cover expenses of shipping to the Indies, and the delays in port.

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2. The Spanish merchants seek to become rich on the first vessel they send to Vera Cruz - a true reason for the high prices.

III. Retail-merchants in Mexico sell high; for,

1. They pay the Spanish merchants so much, and, in addition,
2. They encounter so many expenses before retailing their wares, such as -
   a. The alcabala tax.
   b. High freight charges on account of the lack of mules and provisions.
   c. Expenses due to delays caused by bad roads and the lack of inns between Vera Cruz and Mexico.

IV. Real impediments to the just sale of common goods are -

1. The demand for stylish clothing due to the baneful influence of the French which makes it necessary for merchants to invest in such, while common goods remain unsold in their stores.
2. The importation from Guarico (in the island of Haiti) of such profanities as chiffon, ribbons, and gauzes, which hinders the consumption of goods purchased in Spain.

V. To prevent such excuses for selling at exorbitant prices to the public, certain measures should be adopted:

1. A consulado composed of just men, and fashioned on that newly created in Spain, should be established as the existing one is of no use and its prior and cónsules are inefficient.
2. Provided that the project of free commerce is made permanent, and its present form unchanged, the ports of entry should establish factories -
   a. In Jalapa, where merchants may have their agencies sell quickly the remainder of their products without waiting to sell all in Vera Cruz.
   b. In Mexico and other places, to encourage exchange and prevent delay of ships.
3. Deprive the officers of royal marine of the commerce they carry on by virtue of their generalas, for they injure the mercantile marine and neglect their duty of engaging in battle for fear of injuring the merchandise they carry.

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4. Roads, neglected by the viceroys, should be made passable.
5. Free commerce from the high alcabala it pays in the custom houses.
6. Aid domestic commerce -
   a. By encouraging the production of grain and live-stock products.
   b. By developing the manufacture of coarse woven goods for the common people who cannot use Castilian merchandise, and thus the royal treasury will be increased, especially if the 2,000,000 half nude people of all classes are obliged to pay the revenue upon the sale of textiles.

Accepting it as a maxim that happiness and commerce are co-existent, Villarroel cautioned the authorities in New Spain to attend assiduously to the development of agriculture and the industries in a country so well adapted to the production of innumerable commodities. Under efficient management the kingdom itself could be supplied and a surplus exported to Europe and the Islands. Countless vagabonds and idle Indians could be advantageously employed and prevalent crime and disorder would cease as a result. The neglected condition of the farms, left uncultivated for years, and the decline in the industries were attributed to the protection lately extended to the natives; in cases where demands were made upon the laborers, complaints were taken to the judges who sided with the Indians. Another cause of decline was the disesteem in which the Spaniards looked upon farming and the trades of artisans. It was advised that government aid should begin by providing the towns with officials, honest men qualified for their positions by an understanding of the people to be governed.

Upon the importance of domestic commerce, so necessary

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for the existence of foreign trade, Villarroel thus expressed himself:

I. Domestic commerce is even of greater utility than foreign commerce inasmuch as it provides occupation for a people, diverts them from an idle, dissolute life, and makes them profitable to themselves and to the state.

II. The scope of domestic commerce in New Spain is limited, comprising, as it does, only four kinds of seeds (Villarroel does not name the varieties).

III. A shortage of cereals and other seeds exists; for

1. Scant attention is given to this by the provincial judges.
2. Public granaries have not been established to provide against years of scarcity.
3. The policy of protecting the Indians has encouraged them in their idleness.
4. Arts and crafts have been allowed to decline by the thousands of Spaniards who, looking upon such work as degrading, have become worthless vagabonds.
5. Much of the cultivable land, instead of producing grain is given over to large plantations of maguey.

IV. Magistrates could aid agriculture—

1. By obliging Indians and other castes to work the farms.
2. By seeing that crops are not limited to the bare amount necessary for a single year.
3. By compelling the Indians to maintain their draught animals for farming.

V. A scarcity of live-stock and live-stock products exists; for—

1. The reasons for scarcity of cereals apply to this branch also.
2. Pasture grounds are lacking due to the Indian raids throughout the whole kingdom.
3. There is a lack of prudent management in obtaining a yield of hides, wool, and other products.
4. The expenses of transporting for sale often exceed the profits.
5. Raw hides are squandered for leggings, ropes, and other uses when hemp could be substituted.
6. Wool is wasted through ignorance of shearers.

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VI. There are some woolen mills in the kingdom, but these fail to supply one third of the population; and woolen mills have declined -

1. Owing to lack of the necessary aids.
2. Owing to scarcity of supplies occasioned by—
   a. Droughts.
   b. Indian raids on the cattle ranches.
   c. Bad management of shearings.
3. Owing to the annoyances which discourage the operators (for slight maltreatment of laborers, the judges threaten and fine them).

VII. The wool industry could be improved -

1. By giving it assistance.
2. By bringing from Estramadura in Spain a dozen families to teach correct methods of handling wool.
3. By application to work on the part of the people.
4. By improving roads and transportation facilities.

VIII. Harvesters and flour merchants are discouraged—

1. By the want of aid.
2. By the monopoly held by greedy merchants at Vera Cruz.
3. By the opportunities afforded to English colonists.

IX. The culture of cochineal, indigo, and sugar (which are scarce owing to the same obstacles that prevent the growing of grain) should be encouraged -

1. By securing laborers for the task.
2. By cultivating these products in provinces other than Oaxaca for this crop can be grown in nearly all of them.
3. By exchanging these commodities with foreigners for linen and other merchandise.
4. By keeping the prices fixed in the ports of Spain instead of letting them fluctuate on account of sales made to foreigners at Cadiz.

X. Since attempts to grow flax and hemp in the suburbs of Mexico have not brought the utmost returns, this should be improved -

1. By choosing for their cultivation a more suitable soil and climate about 100 leagues north of the capital, beyond San Louis Petosí.
2. By persuading the farmers and Indians to cultivate these plants making them a commercial concern.

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XI. In spite of government orders issued to the various provinces, a valuable industry is lost -

1. By failure to become acquainted with the medicinal herbs produced by the fertility of these lands.
2. By failure to recognize the superior worth (over apothecaries' potions) of such well-known natural remedies as -
   a. Yerba de Pollo: Spiderwort - for wounds: (Transdentia erecta).
   b. Yerba Viperina: Birthwort - for stomach: (Aristolochia serpentaria).
   c. Yerba del Cancer: Three-seedsd Mercury - for cancer: (Acalypha prunifolia and Alternanthera procumbens).
   d. Yerba de la Gobernadora: Bean Caper - for rheumatism: (Zygophyllum Fabago).
   e. Fritol: ? - for retention of the hair and for gout.
3. By failure to enrich the art of medicine by acquiring from the Indians and peasants the science of herbs, vegetable and animal extracts, fish oils, etc.
4. By failure to bring together the persons capable of furnishing a knowledge of the things which ought to be used to alleviate human ills and obtain other benefits.

XII. Owing to the neglect of so many essential points, dissolution and a gloomy catastrophe threaten this kingdom: these dangers are augmented -

1. By the sad condition of the towns which do not deserve to be called such.
2. By lack of qualified officials throughout the towns.
3. By our inability to provide a system whereby the towns may prosper in agriculture, industry, art, and in all else conducive to domestic commerce with the capital and with one another.

It is interesting to compare the account given by Villarroel with other reports of nearly the same period. A few years witnessed so decided an improvement that one is inclined, at first glance, to believe that conditions of 1785 could not have been quite so deplorable as depicted.

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Alexander von Humboldt reports that there were 320 woolen factories at Querétaro, in August, 1803, using 63,000 arrobas of Mexican sheep-wool (an arroba = 25 pounds); in 1793 there were 215 looms in that place worked by 1500 men. His figures for the exportation of cochineal in 1802 and 1803 show a good trade in that article of commerce. Humboldt also furnishes a table which contrasts the exports carried from Vera Cruz in Ulloa's fleet of 1778 with those of ten or fifteen years later; this shows that live-stock products, which were extremely limited at the first date, were increased later. Medicaments, which were in moderate amount exported in Ullea's fleet, were totally lacking in the later years, as was also sugar. Indigo exportation had increased somewhat. [18]

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18 Humboldt, Alexander von, III, 460-470, 100.

Revillagigedo, in the instructions which he left, in 1794, to his successor Viceroy Branciforte, made observations upon the advance in agriculture and the industries.

He declared (in article 365) that, although no direct protection from the government had been given, progress to an admirable degree had been made in certain kinds of manufactures, especially those of woolen and cotton cloth. He reminded his successor (in article 366) of the collection of samples which he had obtained by sending a circular letter to the intendants: Puebla, Oaxaca, Valladolid, Potosí, Zacatecas, and Guanajuato had responded; the

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others had not. Calling attention (in article 367) to the samples from Puebla, Revillagigedo assured his successor that there were forty-three woolen factories there, besides others. Oaxaca, he mentioned as having only two factories of indigo, and five hundred seven looms; five hundred of these were for cotton material and seven were for silk. Valladolid had thirty four factories for weaving sackcloth, serge, coarse goods, light-weight cloth, and blankets. Potosí had only one factory for ordinary cloth, serge, and blankets, and also some looms were to be found there; Zacatecas possessed no factory. The intendant of Guanajuato reported a number of looms in his district.

Of silk factories the viceroy declared (in article 375) that hardly a memory was left owing to the destructive influence of European imports that provided similar goods at easy prices. Factories for figured cotton goods had suffered the same fate, and, at the time of the viceroy's report were employed merely in getting rid of damaged white linen cloth by means of coloring.

The yield of sugar (reported in article 400) had increased greatly within a few years owing to the diminishing of harvests in the Guarico and the resulting high prices in Europe. In 1793 there were 400,000 arrobas exported from Vera Cruz (an arroba = 25 pounds).

According to article 403 of the instructions, the harvest of grain of all kinds was raised considerably in all the provinces as was also that of oil and wine although not cultivated in large amounts. About this last, the viceroy wrote (in article 404) that

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his efforts to obtain exact information had been unsuccessful but he added:

> ... According to the tithes of the bishoprics of Mexico, Pueblo, Valladolid, Oaxaca, Guadalajara, and Durango, in the decennial ending in 1779, they increased to 13,357,157 pesos, and in that ending in the year 1789, to 18,353,821 pesos: so there was a difference of 4,996,664 pesos, and in proportion the value of agriculture has increased ten times.

For the cultivation of cochineal, definite figures were furnished (in article 405); each year they collected 23,625 arrebas, and in its labor there were employed from 25,000 to 30,000 persons. Attention was also called to the cultivation of wheat, noting (in article 316) that there were always large amounts stored in the mills of the immediate vicinity of Mexico to the great injury of the common people and the bakers. Revillagigedo referred to the regulations which he had made in response to complaints concerning the situation.[19]

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19 These notes on the state of agriculture and the industries were furnished by Viceroy Revillagigedo in 1794 to his successor Branciforte; they are found in the Instrucción Reservada.

The impressions made upon a traveller in New Spain do not convey precisely the same notion of wonderful advance, but, in the main, they agree with the accounts already given:

> The manufactures of New Spain are not of much consequence. Coarse cottons form the universal dress of the Indians. There are many tanneries, but

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> the leather is far from being equal to the Spanish; and the same observation will apply to the glass and earthen ware, although the materials be excellent. A cheap periodical publication, describing the arts, machines, and discoveries in the manufactures and agriculture, would be of singular utility.... In the city of Querétaro there are various manufactures of cloth, some esteemed superior to those of Spain, and the soldiers are accustomed to keep their uniforms as a splendid dress on their return to the parent country.

Numbers given for factories in Puebla, Oaxaca, Valladolid, Zacatecas, Potosí, and Guanajuato are the same as those furnished by Revillagigedo. Concerning various crops the account continues:

> The production of cotton might be greatly increased, there being a superabundance of land proper for that purpose. Flax and hemp are neglected, because other products present greater gains, more ease, and security.

Indigo, sugar, tobacco (since 1765) and cochineal are reported as having increased, and vineyards had become an object of great promise.[20]

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20. Pinkerton, John, Modern Geography (New Ed., London, 1807), III.

The portions treating of New Spain are taken from El Viagero Universal by Estalla, published at Madrid in 1799. The entire work of Estalla, begun in 1795 and completed in 1802, consists of about forty volumes of which XXVI and XXVII concern travels in New Spain. Pinkerton complains that Estalla writes in the first person, in the form of letters, and does not cite his authorities. It is noticeable that the figures in most part are the same as those given by Revillagigedo.

Estalla's work may be found in the Bancroft Library, Berkeley.

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Hipólito Villarroel's complaint concerning the neglect of the study of medicinal plants can be easily understood if we recall the assiduous attention always given to the science of botany by the aborigines. The long wandering life of the natives had given them a superior knowledge, called upon daily, as they were, to find in the plants of the land their necessary food and remedies. The gardens of the ancient Aztecs bore witness to the esteem in which they held botanical science. The proposed plan of gathering from the natives a knowledge of the medicinal merits of herbs, well-known to them for generation after generation, was not an easy one to follow. Even when royal orders attempted to accomplish this, the natives were not willing, in many cases, to impart the secrets which they treasured as their own. [21]

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21 A brief and interesting account of these things may be found in a small work, Notes sur la Medecine et la Botanique des Anciens Mexicans, by A. Gerste, S. J., published in Rome, 1909.

This little work makes use of the larger ones such as that of Francisco Hernandez (1514-1578), Nova Plantarum ... Mexicanorum Historia ... (Rome, 1651), and that of Fr.Bernardino de Sahagún (d.1590), Historia General de las cosas de Nueva España found in Antiquities of Mexico, by Lord Kingsborough, Vol. VII, London, 1831.

These works are in the library of the University of California.

According to Villarroel, 1785 saw the manufactures of New Spain in a deplorable condition; Rivellagigedo reported them

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increased to an "admirable degree" in 1794: Humboldt, too, found them wonderfully advanced in 1802-1803. No doubt all are in the right when we compare 1785 with 1800. It was perhaps the decadent state of the industries at the first date which called forth so much praise of the later conditions.

Pinkerton's remark that "the manufactures of New Spain were not of much consequence" did not keep in view the earlier state; an explanatory note which quotes Estalla furnishes the comparison; "Our author adds, that in the last ten years, agriculture, and the stores of cattle, sheep, and swine, have increased nine times; and the total increase of agriculture, during the last epoch, is of the value of 49,966,640 pesos in the sole article of tythes."

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IV

MILITARY REFORMS

1

Organization of the Spanish Army

The regular army in Spain owes its origin to the Italian wars of the early sixteenth century; at that time discipline was developed and the troops were augmented by quotas contributed by the various territories under Hapsburg rule. After the middle of the seventeenth century the military organization of Spain bore the stamp of French influence; and, during the Bourbon period, this characteristic was even more marked. The War of the Spanish Succession and the numerous engagements demanded by the Family Compact brought French and Spanish troops together under French modes of warfare and often commanded by French generals. Philip V, in 1734, attempted to form a militia modeled upon that of France organized in 1733; French officers asked to serve in the Spanish army and communicate the usages of war according to Louvois and Vauban. Philip even expressed a desire to change the captains-general to marshals of Spain.[1] Although

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1 Baudrillart, A., Philippe V et la Cour de France, V, 449.

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such plans were not carried to completion, they prove that the details of Spanish military organization were fashioned upon the French.

That conditions in the army were far from ideal under the early Bourbons is shown by a contemporary comment: at the beginning of the reign of Charles III, when a royal order was issued requesting all officers of land and marine to report for duty, it was deemed a fitting command, "for as there was but little discipline of any kind observed in the late reign, several of the military gentlemen had been absent from their corps for seven or eight years." [2]

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2 Bristol to Pitt, February 25, 1760, R.O.S., 291, cited by Addison, J., in Charles the Third of Spain, 147.

Active preparations for war improved the military equipment of Spain during and after the negotiations concerning the Family Compact of 1762. A royal decree of June 9, 1762 included in the quinta all unmarried men previously exempted on account of employment or certain privileges. Henceforth, few exceptions to this rule were permitted. Only 20 men of war and 4 frigates formed the naval strength of 1759; in two years Charles III had doubled this, but sailors were not available for more than 20 vessels.[3] At the same

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3 "There are, therefore, above 49 ships of war, with 21 frigates, which can be deemed serviceable; and even these cannot be sent to sea for want of sailors.... The greatest number of sailors who can be depended upon does not exceed 26,000.

If the land forces ... were completed, they would consist of ... 141 battalions, with 71 squadrons, which, supposing them to be complete, would amount to 109,600 men. Yet their numbers are

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extremely deficient, and the whole does not at present surpass 80,000 men, although orders are expected to be issued to all the regiments to make up their complements" (Earl of Bristol to Earl of Egremont, December 6, 1761, cited by Coxe, W., Memoirs, IV, 243-245).

Cf. Morel-Fatio, A., Etudes sur l'Espagne, II, 29-30.

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time the defenses in the colonies were inadequate, and attention was directed to their improvement. Cuba was strengthened against attack; about 950 infantry and 200 dragoons were sent out, and the governor was ordered to take whatever measures he deemed expedient.[4]

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4 Real Ordenanza, February 27, 1761, A.H.N., cited by Addison, 47.

Everywhere great preparations were being made. An eyewitness of military activities reported:

> ... All the ships of war, great and small, are getting ready with the utmost expedition, for which reason they are working there day and night, Sundays, and holydays not excepted .... Aviso ships have lately been sent from Cadiz for different parts of the West Indies, with engineers on board, as privately as possible, and I am told that other avisos are also gone from several other parts of Spain. 5

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5 Goldsworthy to Pitt, February 20, 1761, R.O.S. 294, cited by Addison, 48.

Particular attention was turned to the affairs of New Spain as Viceroy Cruillas (1760-1766) was urging the reorganization of the defenses.

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During the first half of the eighteenth century many efforts had been made to equip a marine, and good results had been attained, but as yet there was no solidly organized army and the exhausted state of the royal treasury had for a long time given little encouragement to a military career. After the restoration of peace in 1763, renewed efforts sought to recover lost military strength. The system of tactics employed with such marvelous success by Frederick II, was introduced into the Spanish army. The English ambassador at Madrid reported with great astonishment and concern the striking improvement in discipline, and the augmentation of the military forces observable about that time. He was also struck by the sudden activity which animated every dock and arsenal belonging to Spain whether in the Old World or the New.[6] In an account of this

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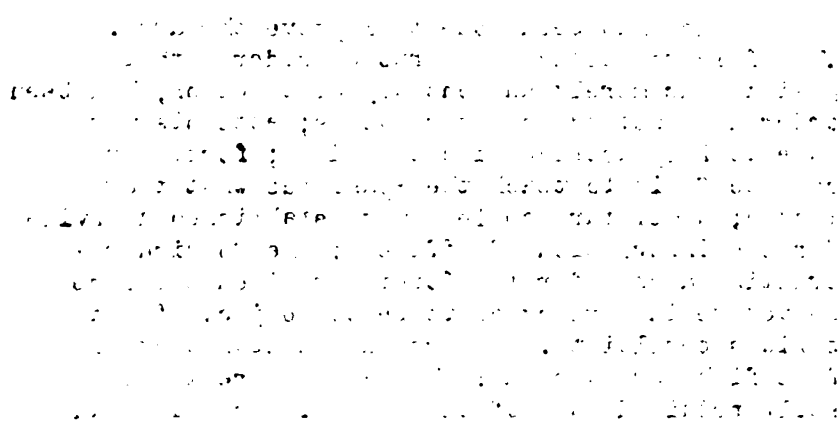
6 Dispatches of Lord Rochford, cited by Coxe, W., Memoirs, IV, 374.

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period, Joseph Addison has summed up the condition of military affairs in Spain:

> Much had been done to improve the army. The officers who had hitherto considered their position as merely an honorary distinction, had been ordered to attend to their duties; attempts were made to keep astride with the times; foreigners came to Spain to teach the Spaniards what they lacked; a military college was established at Avila for the instruction of officers; the Spanish recruiting agents for the foreign regiments became so active in Germany as to be the object of many serious complaints. There was an abundancy of fine fighting material: the national regiments still retained some of those qualities which had

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> made them the terror of Europe - sobriety, bravery, endurance. The system of the "quinta" brought into the ranks honest peasants at a time when the French recruiting agents were reduced to the dregs of the taverns, and the English press gangs loitered at the gates of the prisons. A recent law had remodelled the "quinta" abolishing many grounds of exemption from military service. It was not the want of men, but of competent officers that made itself felt. There was not a general, or even a colonel, who knew his business; shameful favoritism had disgusted the nobility of service in the army; thus recourse was had to foreigners, who were themselves not the most successful of their kind. Every adventurer, every military quack, came to Spain, where he was often well received, elaborated plans that failed and invented guns that burst. 7

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7 Addison, 75-76.

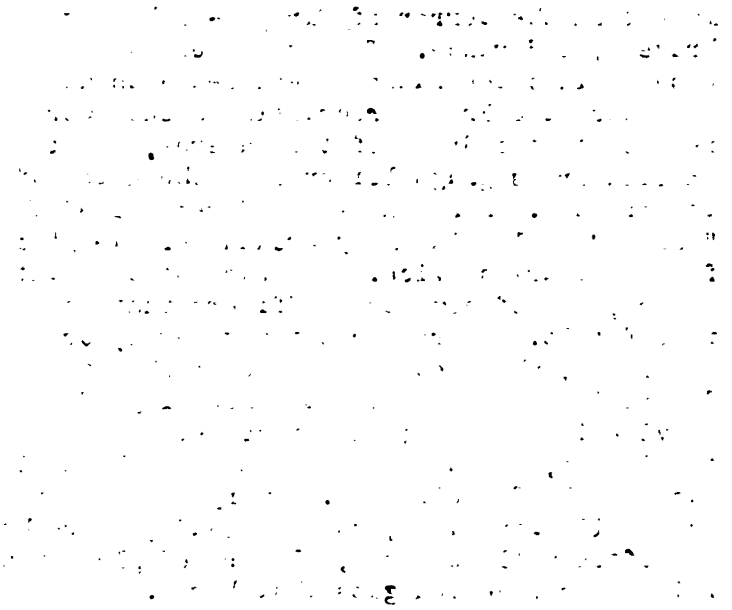
The development of Prussian tactics was the achievement of Alexander O'Reilly after his return from Louisiana where he had been governor for a short time. According to Morel-Fatio, the "period of splendor" for O'Reilly extended from 1770 to 1775 during which time he was, on account of his distinguished services, created count and made military governor of Madrid.

2

Improvement of American Defenses

These movements in Spain were accompanied by an endeavor to increase defenses in America. Small garrisons stationed along the coasts feebly guarded against the inroads of buccaneers. Fortifi-

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cations had long existed at the large ports that served for intercontinental commerce, as those of Vera Cruz, Acapulco, and Cartagena. Manila was well fortified since 1742 at which time the English Admiral George Anson had given alarm by capturing a well-laden galleon. Under the stress of new dangers, Charles III gave his attention to the establishment of regular troops (tropas veterans) in all the colonies, and to the organization of the provincial militias charged with the subjection of the Indians and the defense of the frontiers; also, methods were devised for improving the urban and rural militias. The erection of barracks at Vera Cruz was begun in 1763 in response to a royal order of September 26, 1762. Other plans of vast importance to the safety of the American possessions were under consideration.[8]

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8 Lannoy, Charles de, and Herman Vander Linden, Histoire de l' Expansion Coloniale des Peuples Européens, 366.

When Viceroy Cruíllas (1760-1766) reported to the king the military conditions of New Spain, he listed, as the only available regular forces, the regiment known as La Corona which was stationed at Vera Cruz, a few soldiers in Acapulco, 2 companies of the palace guard, a few dragoons, and some artillerymen; in Mexico City there were little over 14 companies of militia. He also reported a regimiento del comercio in the capital and in Puebla. As there was a general lack of training and equipment, the viceroy recommended that experienced officers be sent to New Spain and that

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warehouses for military stores be erected in Perote in order to facilitate the prompt relief of Vera Cruz and the Antilles in case of attack.[9]

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9 Bancroft, H. H., History of Mexico, III, 401-402.

The first regular force in Mexico was a battalion of 12 companies of infantry formed in 1642 and financed by the officers, all men of high position. In 1741 this was converted into a regiment for the defense of Vera Cruz, and named La Corona. In 1685 the organization of the militia for the defense of the Mexican Gulf coasts was completed but this was of little service. In 1745 there were 14 companies of militia in Mexico City and 2 companies of regulars to guard the palace. In 1758 a company of 24 halberdiers served as guard of honor to the viceroy (Ibid., f 401).

When the request of Viceroy Cruíllas received consideration in Spain, the funds of the royal treasury could not provide the assistance sought. The suggested plan of defense called for an increase of the revenues and was one of the reasons for sending José de Gálvez as visitador general of New Spain with powers to reform the system of finance.[10] Lieutenant-general Villalba was intrusted with the work

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10 Priestley, H. I., José de Gálvez, 43.

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of inspection and military reorganization; upon his arrival at Vera Cruz he immediately formed an infantry regiment, the America, and developed a cavalry regiment from the existing La Corona. The palace guard was put into service leaving the halberdiers for the protection of the viceroy.

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Among the powers of the inspector was the authority to appoint to all offices with the exception of Colonel and lieutenant-colonel which were reserved to the viceroy. Arms for the troops were to be furnished by the government, and other equipment was to be provided by different localities. A pay system was drawn up and voluntary enlistment was adopted for a time.[11]

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11 Bancroft, History of Mexico, III, 403-404.

Spanish policy had to decide whether the protection of the American possessions should depend upon the mother country or upon an army recruited in the colonies. The result was a military force composed of both veteran and American regiments, in varying proportions, the formation of which bore the appearance of having been guided by rules destined to protect against the development of an esprit de corps that might prove detrimental to Spanish authority. All classes of the population were encouraged to enlist; entire colored regiments were permitted but castas were not allowed to constitute more than one-third of a company; negroes and Indians were excluded from office.[12]

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12 Smith, D. E., The Viceroy of New Spain, 201.

Disagreements occurring between Cruíllas and the lieutenant-general, Villalba was recalled to Spain, and the viceroy took control

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of military affairs. This was of usual occurrence in New Spain, because, for many years, the office of captain-general had gained in importance, and the viceroys were nearly all experienced military men, more learned in warfare than in the civic concerns of their administration. Mexican legislation did not provide a minister of war, neither did it attend to problems of revenue, enlistment, and equipment of troops; such matters were governed from Spain. In time of war, a military council, the consejo supremo de guerra advised the captain-general whose duty it was at all times to equip, train, pay and inspect the troops, and provide them with barracks and hospitals. Regular troops were paid from the viceregal treasury and various funds were drawn upon to support the militia; the consulado of the capital paid the urban regiment of Mexico City. The viceroy also acted as supreme judge in all cases within the military jurisdiction which he possessed. Questions arising from the administration of the fuero were referred to his office for settlement. In his capacity as military judge, the viceroy was assisted by an auditor de guerra who belonged, at the same time, to the Mexican audiencia; but there was no appeal, in these cases, beyond the captain-general to the audiencia.[13]

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13 Smith, D. E., The Viceroy of New Spain, 197, 221.

The loss of Havana and Manila in 1762 had given alarm and increased the activities undertaken for the defense of Spanish

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America. The frontier problem, since the cession of Louisiana, had been calling for a solution. The plan of Marqués de Rubí, presented in 1768, provided a line of fifteen presidios to extend from Altar to Bahía on the San Antonio river. [14] The plan was adopted and its

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14 Bolton, H. E., Texas in the Middle Eighteenth Century, 383-384.

"From West to east the intermediate presidios were - Tubác, Terrenate, Fronteras, Janos, San Buenaventura, Paso del Norte, Guajoquilla, Julimes, Cerrogerdo, San Sabá, Monclova, San Juan Bautista. Of these Janos, San Juan Bautista, and Bahía del Espíritu Santo were to remain unmoved" (Ibid., 384).

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execution was ordered by the New Regulation of Presidios in 1772. To secure greater efficiency in the management of frontier military affairs, a new general officer, that of inspector comandante of the interior provinces of New Spain was created and bestowed upon Hugo O'Connor.[15] The office of sub-inspector had been conferred upon

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15 Bolton, H. E., Texas in the Middle Eighteenth Century 383-386.

"While inspector, this officer could not be a provincial governor nor a presidial captain. He was under direct orders of the viceroy, but in case a comandante general be ever appointed to the interior provinces, he was to be directly subject to that officer. With two assistants he was to direct the frontier campaigns and was expected to report annually to the viceroy upon presidial and military affairs." (Ibid., 384).

Marqués de Rubí who was given the direct management of the troops under the inspector-general in Spain who was, at the time, Alexander

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O'Reilly.

The New Reglamento attempted to solve the difficulties existing in the administration of military concerns and provided for an amicable settlement of disputes among presidial officers.

> The reglamento gave the number and positions of the presidios, and the economical system of each and prescribed the mode of managing funds; the policy to be observed toward the Indians; quality and condition of arms, ammunition, horses, accoutrements, and clothing of the soldiers; mode of providing commissions and promotions, reviews and police of each presidio; powers and duties of captains, subalterns, and rank and file of the troops; and the mode of choosing habitados and rendering them effective. 16

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16 Bancroft, History of Mexico, III, 411-412.

In 1768 several regiments were sent from Spain for the greater security of the American possessions making a total of 10,000 veterans in the country: after 1772 these were gradually sent back, reserving only the officers necessary to organize the provincial militia. The forts of Campeachy, begun in 1692, were finally completed in 1769, and, in the same year, José de Gálvez established San Blas as a naval department to serve as base of supplies for the defenses and settlements of Alta California. Two years before this, the fortifications of San Juan de Ulloa were provided with cannon from Spain and Anton Lizardo and Perote were both fortified. Plans for strengthening the Vera Cruz coast forces were under discussion from 1774 to 1788 when a royal order adopted, in part, the scheme of

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General Francisco Crespo who had presented a plan in 1778. [17]

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17 Bancroft, History of Mexico, III, 403.

That the military service might possess attractive advantages, certain privileges were granted such as the fuero militar which permitted the possessor to be tried by a military tribunal, and the montepío militar that provided a pension for the widows and orphans of officers dying in the service. The fondo de invalidos (fund for incapacitated soldiers) was raised by deductions from the pay of officers and soldiers during the time of service. All military officers were exempted from taxation by a royal decree of May 4,1760.[18]

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18 In the provincial militias commissions were purchased in order to obtain the fuero. Abuses must have been widespread judging by legislation concerning it. An order of 1782 declared that the privilege was to be enjoyed by members of the militia only during actual service (Cedulario, M S., I, 69, 82,cited by Bancroft, History of Mexico, III, f 403). A regulation of 1790 stated that "servants of military men employed in the country estates, factories, or business, wholly foreign to the military service, were not entitled to the fuero militar (Revillagigedo, Bandos no.22, cited by Bancroft, History of Mexico, III, f 425).

The montepío militar was maintained by a mesada or monthly payment by officers: a widow or orphan received annually one fourth of the salary being drawn at the time of the officer's death (Smith, D. E., The Viceroy of New Spain, 221). In 1773 rules for uniform rates of allowance were issued, and the same privileges were given to the relatives of officials connected with the pay department (Revillagigedo, Bandos, no.27, cited by Bancroft, History of Mexico, III, f 423).

To improve sources of revenue for the maintenance of the army

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was one of the efforts of José de Gálvez. In four military councils (juntas de generales e ingenieros), the viceroy, Villalba, and the visitador general devised plans for establishing a permanent fund by levying certain taxes.[19]

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19 Priestley, H. I., José de Gálvez, 140.

"Some previous steps had already been taken to this end, but it was not until February 3, 1767, that revenues of a permanent nature were levied. At that time a duty of half a real was placed on each carga (load, usually ten arrobas, 250 pounds) of pulque introduced into Mexico, and six reals were assessed upon every cuarteron of native cloth entered. At the same time for the purpose of building barracks, a duty was levied at Puebla of three cuartas (1 cuarta = 6¼ pounds) on every carga of flour there consumed. Attempts were made to levy taxes in other towns, some of which were successful; but so great was the popular opposition to these levies that little was accomplished until the time of viceroy Flores, and Revillagigedo still found the question of levies for the militia annoying" (Ibid).

After the provincial regiments had been organized, there were about 10,000 troops in addition to the 5,000 regulars at the disposal of the government. Bancroft calls attention to military expenditures in 1758 and in 1765: the outlay for presidial and other forces, transportation, etc., including the presidios of the Philippines, and naval vessels on the Pacific and elsewhere, paid by the Mexican treasury, was 882,227 pesos; after the organization of the military forces this amounted to 626,776 pesos. The cost of fortifications erected about this time was in addition.[20] During the years 1780-1789 the annual

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20 Bancroft, History of Mexico, III, 421.

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expenses of the viceroyalty averaged 4,090,438 pesos of which amount 2,400,000 were expended on troops and presidios.[21]

21 Priestley, H. I., José de Gálvez, 373.

It never was the policy of Spain to keep a large army in America. It was understood that assistance could be obtained from the mother country in times of necessity. In 1808 the total number at the disposal of the viceroy was 22,611 provincial militia and about 6,000 regulars. In addition to this there were 7,200 fixed coast guards. The outlay for troops, in 1809, was about 4,000,000.[22] That the policy

22 Bancroft, History of Mexico, III, 422.

of limiting the military of New Spain was continued is shown by the complaint of Viceroy Branciforte (1794-1803) who declared that he had not men enough under his command to put down popular tumults that might arise, yet he was sending away in subsidies on the king's account thirty-two millions of pesos.[23]

23 Smith, D. E., The Viceroy of New Spain, 201-202.

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3

Suggestions by Hipólito Villarroel in 1785

At this point a glance at the military conditions of New Spain in 1785 will show the system of administration in operation. Hipólito Villarroel pointed out what he considered crying evils that should be remedied for the preservation of the kingdom. The Ordinance of the Intendants, that followed close upon this date, attempted a reformation. It is interesting to note this picture of the army drawn by a witness who had at heart the glory of New Spain and the economic betterment of the people.

Thus the alcalde mayor of 1785 presented his suggestions with a hope that those interested in reform might hear:

I. Since there is need of protection for the Indies, a difficult problem must be solved:

1. Should the army be brought from Europe ? or
2. Should the country itself raise it ?

II. Those who maintain that the army should be European claim that -

1. The people of America do not possess the qualities required by the laws of war, and
2. If the European regiments are not continued, in time of invasion there will be no defense.

III. Those who maintain that it is preferable to recruit the army from the country claim that -

1. If the people lack the qualities necessary for war it is due to want of training and education.
2. These qualities may be supplied very well, especially if the soldiers are given good commanding officers.

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IV. The reasons that the government has not consented to raising the necessary army from the people of the country alone are probably -

1. The people of the land are ignorant of honor and their obligations to the king, and are not inclined to the career of arms.
2. Of those who enlist, many desert; and this is perhaps due to their inability to endure the discipline.
3. On account of the well-known dislike of the people of the land for the Europeans, it may have been deemed prudent to keep them from the possession of weapons.
4. Such people are useless for the military career on account of their evil inclinations.

V. Apparently the government has thought it better to spend large sums to maintain one or two regiments of experienced and veteran troops for the defense of the country, yet there are objections to this:

1. These troops, after a few months, are useless on account of numerous defects such as -
   a. Gambling and addiction to every idle amusement.
   b. Abandoning the Spanish uniform for the French dress.
   c. Adopting the evil customs of the French and their lack of respect for religion.
2. Since one-tenth of a regiment remains in America when the troops are returned to Spain, the Peninsula loses by having so many men taken from agricultural and industrial pursuits.
3. Such men being deserters and vagabonds are a burden to this kingdom.

VI. In spite of the Ordinance of 1778, Mexico has been flooded with Europeans; of these there are five classes:

1. Those who serve the king.
2. Those who serve the officers of the king.
3. Polizones who come by stealth.
4. Deserters from crews of ships and the army.
5. Those not entitled to remain in Spain on account of their vices.

VII. Many of these become beggars in two or three years; they come under false pretenses and with no prospective employment: the government should prevent this by having it attended to by officials -

1. In Cadiz, or
2. In Vera Cruz.

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VIII. An army, therefore, composed wholly of native people is not desirable; and neither is it good for the Peninsula to send whole regiments of veterans as it is not a time of war.

IX. A sufficient army, however, should be maintained -

1. To instill respect into the populace.
2. To meet disturbances.
3. To guard jails.
4. To garrison places against attack.
5. To assure tranquillity of these domains.

X. The problem would be solved by adopting a medium course, the creation of fixed regiments having -

1. A staff of veteran officers.
2. Recruits from the country united with some Europeans taken from the numerous deserters and idlers in this kingdom.

XI. Good results would follow this measure:

1. It would give employment to the vagabonds of this country and to the European idlers in this kingdom as well.
2. It would save to the Peninsula the men who are useless in America.
3. It would be possible to find out and return to Spain many who were already married there.
4. Foreigners could be prevented from filling vacancies in the army, and this should be insisted upon because French cooks and barbers enter under pretense of army service.

XII. With the creation of so many bodies of militia many notable abuses have arisen:

1. There are more officers than soldiers.
2. These officers have acquired rank for no purpose other than to make sport of justice and lead a dissolute life under cover of their epaulets.
3. They do not live at their places of employment.
4. Commissions are given to men who have never carried arms.

XIII. The present system by which the consulado maintains the urban militia of Mexico City has disadvantages:

1. As the majority of the militia are mercenary soldiers they become idlers when not in service.

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2. Owing to dual character of many in the militia, the court of the consulado cannot proceed against them as merchants because they allege their fuero militar.

XIV. The consulado would do better by -

1. Recruiting this militia from those engaged in commerce, or
2. Delivering to the king the equivalent of its cost so that a veteran regiment might be substituted.

XV. The writer has given a résumé of these matters in order that these gross errors may not be overlooked if these dominions are to be given the general reform necessary. 24

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24 Villarroel, Hipólito, Enfermedades y los Remedios para su Curacion, M. S. parte 5, Tom. III, 133-167.

4

Subsequent Reorganization

Setting aside the consideration of composition and moral tone of the army as well as its relation to the inhabitants among whom it was stationed, a thought may be given to later developments.

On account of the vast area over which the army was scattered, it was not possible to have an ideal system of organization. There was no grouping of regiments into brigades and brigades into divisions with large unions to form an army corps; as yet, before 1794, this method had not been adopted in Europe. The regiment formed the administrative unit. Before the end of the century the viceroyalty was divided into ten divisions or departments, each under a brigadier,

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comandante de brigada, who acted as inspector general in his own circumscription. Beyond this, there was no higher organization.[25]

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25 Smith, D. E., The Viceroy of New Spain, 203-204.

At the close of the eighteenth century the army of Mexico was composed of four regiments of infantry, two, of cavalry, and three companies of artillery; the provincial militia was composed of seven regiments of infantry each having eight hundred twenty-five men in peace and one thousand three hundred fifty in time of war. Eight regiments of dragoons and six squadrons of lancers were stationed on the Vera Cruz coast. The urban militia continued to exist as before but it was much reduced.[26] A report of the

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26 Lannoy, Charles de, and Herman Vander Linden, Histoire de l' Expansion Coloniale des Peuples Européens, I, 367-368.

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subinspector-general in 1790 stated that the Regimiento Urbano del Comercio de Mexico had six hundred eight men distributed among two companies of grenadiers and eight companies of fusiliers, the companies being of unequal size. In this same year the regiment was overhauled and abuses corrected. It was forbidden a member of the consulado to hire a mercenary to act as substitute in the regiment while he, the merchant, enjoyed the fuero militar, with all

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exemptions implied.[27]

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27 Smith, D. E., The Viceroy of New Spain, 210.

Changes in military administration were outlined in the Ordinance of the Intendants of 1786. A résumé of the procedure which the end of this century sought to establish is furnished by D. E. Smith:

> The fourth of the great departments presided over by the intendants was called by the Spaniards the causa de guerra. This was the branch of the government which had charge of the maintenance of the provincial troops in peace and war and constituted what in most countries would be called the war department. In Mexico, however, instead of one central war department with a concentration of all these powers in a central ministry of war, there were established twelve intendancies. These provincial rulers were subordinate to the general intendant in the City of Mexico, but in the nature of things they had a good deal of independence in practice: in the language of the law itself, "being my royal wish that the intendants of provinces have a care for all that which corresponds to war and has a connection with my real hacienda...." This was defined by a later article to mean everything pertaining to the subsistence of the troops, their management and discipline, and general improvement. Likewise was included everything relating to their pay, to their establishment in quarters, and the issuance of rations. The intendant had charge of the movement of the troops from one province to another, and their assignment to various military organizations, and the Ordinance prescribed the formalities which had to be observed in doing this.

Setting aside considerations regarding the inner organization of the army during this period, there is another phase of the military forces which deserves attention. Until the establishment of the Provincias Internas in 1776, frontier

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problems depended upon the viceroy of New Spain for their solution, and long distances naturally formed a barrier to rapid operations for defense. Gradually, military government extended its power until a new territorial division was made.

The nature of frontier conditions, always in a plastic stage, required a peculiar organization that would meet the demands of pioneer settlements. In absence of civil government, military rule directed the affairs of these regions. Regulations enacted for the advancing line of occupation can hardly be called military reforms: they were military adjustments devised, at the time, to meet emergencies.

During the years, 1771 to 1779, the problem of subjecting the northern Indian tribes, which resulted from the cession of Louisiana, was intrusted to Athanase de Mézières, lieutenant-governor of the Natchitoches district. He was expected, by his personal influence, to win the natives and establish control by means of the fur trade, rather than by force of arms. Measures adopted proved successful but resulted, ultimately, in plans that called for increased military opposition. The campaigns of Colonel Domingo Elizondo and José de Gálvez (1768-1771) achieved peace with the Indians who had long molested Sinaloa and Sonora. Attention was then directed to the military occupation of Alta California already begun. The problems here pertained not to organization so much as to military relations with other forces of occupation and colonization.

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Presidio and mission, side by side, worked to establish Spanish power, civilization, and religion. Rules to govern the interrelations between soldiers and missionaries tried to meet the requirements of both; these were embodied, in 1774, in the Reglamento of Echeveste in which the missionaries were protected and given powers deemed necessary to Christianize the natives. Soon, in 1776, the military character of the frontier government was emphasized. The Provincias Internas were placed under the military and political government of a comandante-general almost wholly independent of the viceroy, but remaining under the audiencia at Guadalajara in judicial matters.

This division included Nueva Vizcaya, Sinaloa, Sonora, the Californias, Coahuila, New Mexico, and Texas. Chihuahua was the capital, excepting from 1780 to 1782 when the seat of government was at Arispe. The military rule extended to 1781, appeals from the comandantes of presidios and the cabos (corporals) of the mission guards being made to the comandante-general. After the founding of pueblos in California, appeals from alcaldes and cabildos were directed to Filipe de Neve, who became, in effect, the political head, gobernador; and civil rule was begun. The Reglamento of 1781, drawn up by Filipe de Neve, modified that of 1774 taking away powers granted to the missionaries and establishing a new method of making settlements.[28]

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28 Richman, I. B., California under Spain and Mexico, 140.

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Military reorganization finally adapted itself to the demands of the twelve intendencias which were established in 1786, each being ruled by a gobernador intendente possessing independence in government, police, justice, finance, and war, subject to the viceroy or the comandante-general and the audiencia, and to the superintendente de hacienda on appeal. The duties of an intendant in matters of war have already been listed: the new system will be discussed in a separate chapter.

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V

THE INTERNAL ADMINISTRATION OF NEW SPAIN (1785)

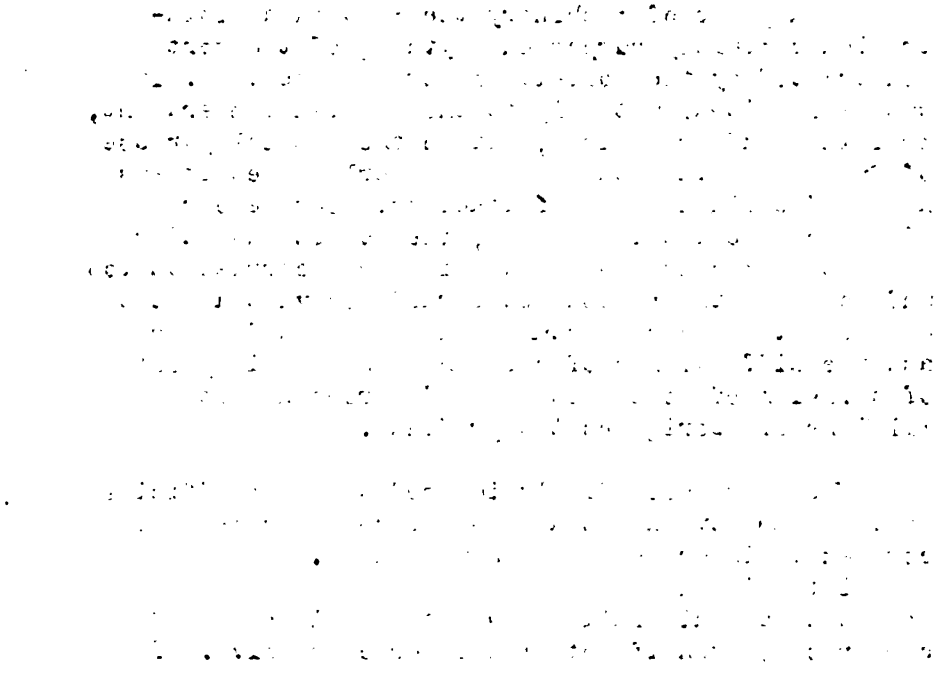
1

Agencies of Government

According to Spain's colonial system, government officials in America were directly responsible to superior officers in the mother country. Numerous laws set forth their duties and established regulations to govern the details of interrelation. In all cases precautions were exercised to prevent an over-development of colonial authority and to provide a check against abuses in the exercise of office.

> As a piece of machinery the Spanish administration certainly surpassed anything of the sort constructed by the colonial powers of the time. It was well suited, not only to the Spanish temperament, training, and traditions, but to the special purpose of Spanish domination in the New World. Yet it was not, and could not be, efficacious. The resources of Spain were too inadequate, the conditions under which the processes of occupation were carried on too unfavorable, the regions concerned too vast and too distant, the means of communication too defective, and the difficulties of creating a new society out of a fusion of some thousands of Europeans with millions of aborigines too profound.
>
> The tasks accordingly imposed upon the officials in the home government and in the colonies were too complex to insure satisfactory results. No matter how well intentioned the laws may have been, the actual course of administration was necessarily slow and cumbersome, even if not altogether oppressive. Official

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> activities on either side of the ocean were only too often shackled by red tape and routine, or else smothered under mountains of documents.

This estimate of the merits and difficulties of the government, as furnished by William Robert Shepherd in his Latin America, enables one to view with sympathy the many failures that accompanied Spanish effort in the Indies.

The administrative system, early devised for the Spanish American possessions, evolved close upon the period of discovery and exploration [1] and soon there developed large governmental

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1 In review it is to be remembered that, according to the Spanish system, all new lands discovered belonged to the king. Officials in the Indies possessed authority from him and acted in his name. The viceroys represented the king's person in the New World and exercised supreme power within their own territories. Visitors sent from Spain served to check the power of the viceroy as did also the residencia which was an inquiry, made by a jurist appointed by the Council of the Indies, concerning the just or unjust administration of an out-going official. Audiencias were courts of appeal that served to restrain the power of a viceroy or of a governor; they formed, as it were, councils of state for discussion of all unusual business; commands issued by an audiencia were regarded as from the king himself; a board of judges of the audiencia, in union with the viceroy discussing affairs, was known as a real acuerdo. Captains-general ranked next to viceroys; their powers and duties were similar; the area of their jurisdiction was smaller; these officers were presidents of audiencias within their districts.

In Spain the supreme authority for all American affairs was the Council of the Indies (founded in 1511 and organized in 1542); its members were chosen from those who had been distinguished by service in the Indies. All questions concerning trade were handled by the Casa de Contratación which was established at Seville in 1503 (Bourne, E. G., Spain in America, 202-241).

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areas sectioned into smaller ones for convenience of administration and reproducing many features of the method operating in Spain. By 1776 there were four great political divisions, the viceroyalties of New Spain (1534), Peru (1542), New Granada (1739), and La Plata (1776). In the early part of the reign of King Charles III, the kingdom of New Spain embraced roughly the territory now included within the boundaries of modern Mexico. The western Pacific coast extended northward indefinitely, as it was claimed by Spanish discoverers since an early date. Louisiana, acquired from France in 1762 was not included; this region remained independent until it was attached to the captaincy-general of Havana in 1771 as the Floridas had been previously.

The viceroyalty of New Spain, as just outlined, was subdivided into political units, gobiernos, also called kingdoms, provinces, colonies, and presidencias without any sharp distinctions of meaning. These were usually under the control of the viceroy in matters of government and real hacienda (finance) through the agency of military governors. Nueva Galicia was an exception to this, as it was partly independent in military affairs, and, in matters of justice was under the audiencia of Guadalajara; in finance it was subject to the viceroy; this lack of definition regarding subdivisions is typical of the confusing arrangements of the period. The governors were appointed by the king and received their formal commission from the Council of the Indies, keeping in touch with the monarch by means of reports sent to

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the minister of the Council.[2]

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2 Priestley, H. I., José de Gálvez, 46-48.

"These political units were: 1, the kingdom of Mexico, or New Spain; 2, the kingdom of Nueva Galicia; 3, the Nuevo Reino de León; 4, the colony of Nuevo Santander; 5, the province of Texas, or Nuevas Filipinas; 6, the province of Coahuila; 7, the province of Nueva Vizcaya; 8, the province of New Mexico; 9, the province of Sonora and Sinaloa" (Ibid., 48).

Provinces were ruled by governors or corregidores who exercised military, judicial, financial, and executive functions. These areas were subdivided into districts under the leading local magistrates, the alcaldes mayores, whose powers were chiefly judicial. Below this were the cities and towns governed by their councils called ayuntamientos or cabildos; these acted in union with the higher officials. Villages ranked next, governed by alcaldes; these were usually gathered in the vicinity of a presidio or mission.

José de Gálvez, at the time of his visitation (1765-1771), found the general administration of the provinces in a deplorable condition. He did not hesitate to place the blame upon the alcaldes mayores who failed to make any endeavor to advance their territories to greater progress. As they had obtained office at great cost to themselves, all their energies were focussed upon recovering the amount necessary to pay for the outlay, and to assure a good fortune for themselves. Although they received no

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fixed salaries, they were obliged to pay half annats; this was an added temptation to make their districts supply a good income.

> They were appointed by the king for terms of five years; they served thereafter until their successors were appointed. If an alcalde mayor died, the viceroy named a successor who served two years, even though the king might have named a regular successor. The alcaldes were receiving no salaries during the period now under discussion, though they still paid half annats on a theoretical salary, as they had been doing since 1700. The First Revillagigedo (1746-1755) obtained for them the right to engage in commerce, and they became, under this privilege, little more than mere merchants. They collected the taxes called medio real de ministros (for salaries of defendants and protectors of the Indians), the medio real de hospital (for medical hospital attendance for the Indians), the tribute, and other imposts, which they deposited in the sub-treasuries without legitimate profit to themselves. 3

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3 Priestley, H. I., José de Gálvez, 224; note 23 p.224; 328.

Among the proposed reforms of José de Gálvez was one devised to prevent the alcaldes mayores from dishonest collection of funds. Much of the tribute money was lost to the royal treasury because these officers were interested in gathering the payment from reduced Indians only, while the wandering natives (the vagos) were freed from the obligation because the personal income of the alcaldes mayores was not increased in proportion to amounts collected from unsettled districts. The visitor proposed that the mass of the population of Mexico City should be registered by an oidor of the

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audiencia, acting in the capacity of visitador, and that the alcaldes mayores should attend to the collecting; a certain percent of the receipts from the wandering Indians should be allowed them as it might help to prevent the customary thefts of these officers.

Villarroel, also, traced the existing evils in New Spain to the alcaldes mayores whom he found, on the whole, incapable magistrates bent upon pillaging the people. The lack of understanding among officials, regarding the sphere of their jurisdictions, led to usurpation of powers one by another; and, in the general confusion, no force was strong enough or willing enough to administer correction. Through the centuries, new abuses had called for the creation of new officials in ever-widening circles thus "forming wheels within wheels for watching the watchers and carrying out the king's will", but even at the time of the visitation of José de Gálvez mismanagement remained triumphant.

Although government intentions were good, it was easy for officials, greedy of gain, and at so safe a distance from central authority, to frustrate the designs of the Spanish monarchy. In the hands of worthy men, the municipal offices might have been productive of happiness to the people, for the system of government provided an organization destined to supply to some degree at least the needs of each locality, and this, properly constituted, and not subjected to interference, might have proved an adequate means of fostering prosperity.

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Earlier legislation regarding the government bodies of municipalities tended to protect them against the encroachments of central authority; yet cities and towns were never free in their own concerns; by legal right, the governors or viceroys could annul the elections, and many offices could be purchased by the highest bidder. The powers of municipal corporations have been given in compact summary by Professor H. I. Priestley:

> ...These were both administrative and judicial for their areas, but their range was limited by the original grant of privileges, and more especially as time elapsed, by the issue of ordinances for municipal guidance by the viceroys and audiencias. The general laws of the Recopilación de Indias combined with these ordinances to reduce the initiative of the city government ot a minimum. Judicial functions were supposed to be exercised by the alcaldes ordinarios in first instance in both civil and criminal suits. In civil suits involving certain sums the cabildo was a court of appeal also from the decisions of the alcaldes; it might itself be appealed to from the governor, though the practice of the audiencias of sending out special judges for causes of consequence gradually limited the bases for appeals which would normally have gone through the municipal courts.
>
> In affairs of administration the cabildo was theoretically independent in everything that had to do with the adornment of the city, the improvement of its public works, regulations of economic affairs, such as fixing the prices of products, wages, and the levy of local taxes, the inspection of jails and hospitals, administration of the public lands, and the oversight of public morals. All of these cares of the municipality were by a cédula of 1535 carefully distinguished as administrative and not judicial, so as to forestall the intervention of the judges of the audiencias in them. As a matter of fact, however,

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> the cabildos were in all of the above matters under the domination of the corregidores or governors, who presided over them and had the power of executing the acuerdos (votes) of the capitulares, and these decisions they often modified or nullified through interpretation or neglect. The corregidores were notorious for their injustice in the division of the public lands and in their efforts to profit personally from the exercise of authority.
>
> The cabildo deliberated in secret, that is, there were not public hearings of their sessions, and the capitulares were bound by oath to maintain secrecy in regard to their deliberations....

Legislative acts during the time of José de Gálvez continued the centralizing process in accord with the reform policy of Charles III. The close watch kept upon municipal affairs resulted in little good and much discontent, contributing a share towards the eventual weakening of Spanish control. The new plan of surveillance adopted is shown in the case of Mexico City, and its destructive influence can be readily predicted:

> For the City of Mexico the reforms of Gálvez were embodied in an ordinance promulgated by the viceroy in 1771. The essential feature of this ordinance was the increase of responsibility placed upon the municipal officers with decrease of salaries and fees. Duties such as the inspection of markets, of weights and measures, and other cares grouped under the heading of policía were still, as under the old regulations, to be performed by committees of the regidores in annual turn, but without extra pay which had previously been conceded. The independence of the corporation was, by the minute provisions of the ordinance, reduced to the vanishing point.

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Interference of the viceroy with the municipal body was emphasized by another ordinance, emanating from the visitor and the viceroy, for minute regulation of the bakers' guild of the capital. There were at that time, or shortly after, some fifty guilds of trades workers in the city, management of which gave to the government much concern. These might well have been cared for by the cabildo; but when the viceroy of a great kingdom like New Spain, twice as large as modern Mexico, could descend to the details of regulating the number of bakeshops and the size and price of loaves while the fieles executores (judges of weights and measures) of the cabildo sat by in silence waiting the issue of his dispensation, there could have been little left to the discretion or self-respect of the cabildo.

The Gálvez reforms contained still another manifestation of the centralizing policy of Charles III. This was the appointment by the viceroy of six regidores honorarios to sit with the twelve (later fifteen) elected and hereditary capitulares, without salary and in a purely advisory capacity. This was in emulation of the new system then in force in Madrid. The purpose was, of course, to give the viceroy closer oversight of municipal affairs and enable him better to oppose the radical creole element by drawing his appointees from the more conservative Spanish group. The regular members of the cabildo were restive under the new arrangement, and in 1794 obtained the power to nominate the honorarios; this continued until independence, and, of course, did away with the effectiveness intended by their institution. 4

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4 Priestley, H. I., Spanish Colonial Municipalities, in California Law Review of September, 1919, 412-413.

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New Spain, as described by Villarroel in 1785 reflected little honor upon the governmental system. So many courts of justice and other instruments of administration worked in deplorable harmony for the destruction of thousands of people. In a country where office-holding was the chief attraction presented to Europeans, standards of efficiency could not soar very high. The desire to obtain wealth, no matter what the means, animated the majority of those who secured positions.

Among a people envious of class distinctions, the honors attached to certain offices enhanced their value and led to unusual corruption. Royal cédulas, intended to regulate elections and appointments, were mostly futile because those who should have enforced the orders of the government were zealous about evading them.

The multiplicity of duties attached to a single office were jealously retained, one man drawing many salaries for no purpose but to guard his titles, the attendant obligations troubling him little. The mystic maze of these numerous governmental positions is better understood when presented in the form of an outline topically arranged. The criticism of the system in operation, as furnished by Hipólito Villarroel in his Enfermedades Políticas, Tom. I, parte 2, 1-151, follows.

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Outlines of the Governmental System

OUTLINE A

Municipalities

All municipalities enjoyed the same legal status: official governing bodies varied: the governor of a new territory declared whether an establishment should be designated as a ciudad, a villa, or a lugar (pueblo).

A

City or Ciudad

Ciudad - sometimes grew from an Indian mission or a presidio: it possessed a comparatively large ayuntamiento; an alcalde mayor or a corregidor appointed by the central or provincial power governed a capital city; 8 regidores in a large ciudad, 12 in a capital: alcalde mayor of larger settlement supervised municipal life of villas and pueblos.

B

Towns (Villa Pueblo Lugar)

Pueblo - a settlement not a mining camp (reales de minas), too small for a ciudad: the term pueblo embraced towns of every description (in Spain called lugar) — a corporate town with certain rights of jurisdiction and administration: villa - a small town with small ayuntamiento: a town might be settled by a proprietor by contract or by a group of married citizens with democratic rights: town had political and judicial jurisdiction over certain area; owned certain lands. Town received a grant 4 leagues square: basis of subdivision of this — to provide arrable fields and pastures: solares (town lots) in center; ejidos (communal strips); dehesas (pastures); propios (owned by town and leased for revenue); peonías and caballerías (apportioned to settlers); town possessed a town council (ayuntamiento or cabildo).

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C

Villages	King ordered missionaries to gather Indians into villages for instruction: for lands occupied they paid a rent to the proprietor, and a personal tax or tribute to the crown. The ecclesiastics controlled villages: the Indians could elect alcaldes and regidores to govern municipal affairs: missionaries controlled the election: natives were treated as legal minors.

D

Regulations for Villages	Encomendero out of his tributes paid for church and missionary: caciques kept hereditary office and exercised minor jurisdiction under municipal officers: Spaniards could stay only one night in village, merchants tarried only two: no wine could be sold; no firearms: protector appointed, looked after interests of Indians: slavery prohibited: officials collected annual tribute: Indians exempt from Inquisition.

E

Military Towns	Around the presidio were traders, families of soldiers and settlers; these with the garrison formed a military town: comandante of presidio subject to the governor: union of the presidio with mission formed presidial town: all presidios did not succeed in developing into pueblos. 5

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5 Priestley, H. I., Spanish Colonial Municipalities, in California Law Review of September, 1919, 397-416; Blackmar, F., Spanish Institutions of the Southwest, 115, 152, 164-166, 198.

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OUTLINE B

Municipal Officers

Essential to Municipalities

- Regidores (councilmen) - some perpetual, some elective: 4 in a small villa; 8 in a large ciudad; 12 in a capital city; possessed great administrative powers; from these were elected annually the alcaldes ordinarios (municipal judges, usually 2), and the alferez (herald).

In Capital Cities

An alcalde mayor or corregidor:

The capitulares (town officials):

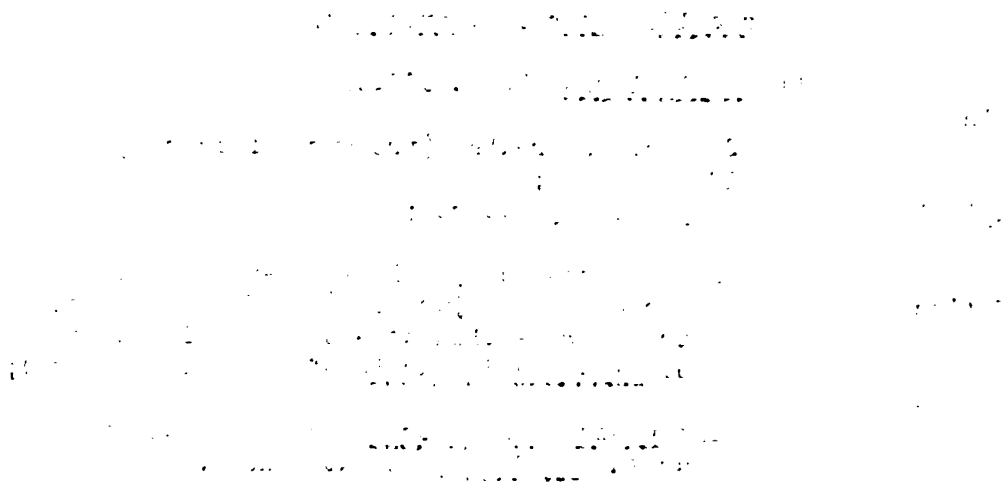
- 3 oficiales reales (treasury officers);
- 12 regidores;
- 2 jueces ejecutores;
- Some executive and clerical subordinates including the jurados (one for each parish in a new settlement - duties akin to those of alcaldes de barrio of the 18th century);
- The procurador general known in later times as the sindico (city attorney).

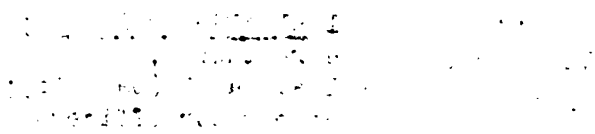
In Villas and Pueblos

- 1 alcalde ordinario;
- 4 regidores;
- 1 alguacil (bailiff);
- Some minor officers

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Method of Choice

Appointed by leader of an expedition;
Elected by free men of an expedition;
(Successors in office named by these at end of year).

Annually elected: laws provided that *regidores* be not re-elected till after one year; *alcaldes ordinarios*, after two years; in practice, offices rotated among members of a few families; central officers had legal power to approve or annul annual elections.

Offices sold, a fixed and general practice since end of 17th century, a source of revenue - hence many officers.

Typical Cabildo

Cabildo of Santiago, Chile, about 1730 A.D.

6 regidores { Part perpetual, / Part purchased;

2 *alcaldes*;
1 alferez real (royal ensign);
1 *alguacil mayor* (Sheriff);
1 trustee of funds.

Cabildo of Mexico City, about 1800 A. D.

15 *regidores* (perpetual);
2 *alcaldes* (elected annually by regidores);
6 *regidores* (honorary) - including a *sindico*.

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OUTLINE C COURTS OF JUSTICE

A

The Council of the Indies

This tribunal, always in the neighborhood of the court, was the supreme authority for all American affairs - financial, political, military, ecclesiastical, and commercial; it also served as highest court of appeal.

Members and Officers

- A president.
- A grand chancellor.
- 8 letrados (lawyers).
- A fiscal
- 2 secretaries.
- A deputy grand chancellor.
- 3 relatores (readers).
- A notary.
- 4 contadores de cuentas (accountants and auditors).
- A treasurer-general.
- 2 solicitadores fiscals (crown attorneys).
- A chief chronicler and cosmographer.
- A professor of mathematics.
- A tasador (to tax costs of suits).
- A lawyer and a procurador for poor suitors.
- A chaplain.
- 4 door-keepers.
- A bailiff.

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OUTLINE C COURTS OF JUSTICE

B

The Audiencias

In the viceroyalty of New Spain there were two audiencias, Mexico (embracing New Spain proper, Yucatán, Cozumel, Tabasco, Nuevo León, and Tamaulipas), and Guadalajara (embracing Nueva Galicia, Culiacán, Copala, Colima, and Zacatula): these possessed judicial and administrative powers with no recognized appeal saving to the Council of the Indies.

Audiencia of Mexico

Officers at time of organization in 1527: 3 courts -
2 civil; 1 criminal;
8 oidores (for civil cases);
4 alcaldes del crimen or de corte (for criminal cases);
2 fiscals (state attorneys); 1 for civil, 1 for criminal prosecutions.
An alguacil mayor (court bailiff):

Officers added near end of Spanish period: courts reduced to 2 but a court for intestates added later:
A regente (to preside instead of viceroy);
2 oidores;
An alcalde del crimen;
A fiscal.

Minor officers numbered over 80.
200 attorneys practiced before the audiencia.

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OUTLINE C COURTS OF JUSTICE

C

The Inquisition

Inquisition established in Mexico, 1571: authority in matters of faith included the viceroyalty, Guatemala, the Windward Islands the Philippines: court consisted of three members - youngest acted as judge: possessed no jurisdiction over Indians: many cases under its jurisdiction were transferred to the civil courts under Charles III (as those under ecclesiastical *fueros*).

D

Courts of First Instance

In cities and towns the *jueces ordinarios* held charge of criminal and civil cases: these officers formed a judicial body under the audiencias: exercised jurisdiction over cases of revenue until 1786.

E

La Accordada

Its purpose - to deal with cases of highway robbery in rural districts: developed from the Santa *Hermandad* established in New Spain in 1553, and organized in 1631 (by royal cédula) in all towns of the Indies: officials of these, called *provinciales*; subordinate to criminal court of Mexico until 1710; in 1719 became independent of the court at Mexico; made no reports to the *audiencia*: powers increased after 1765; it monopolized criminal business of the *hermandad*; with 2500 subordinates served as police force throughout the viceroyalty.

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OUTLINE C COURTS OF JUSTICE

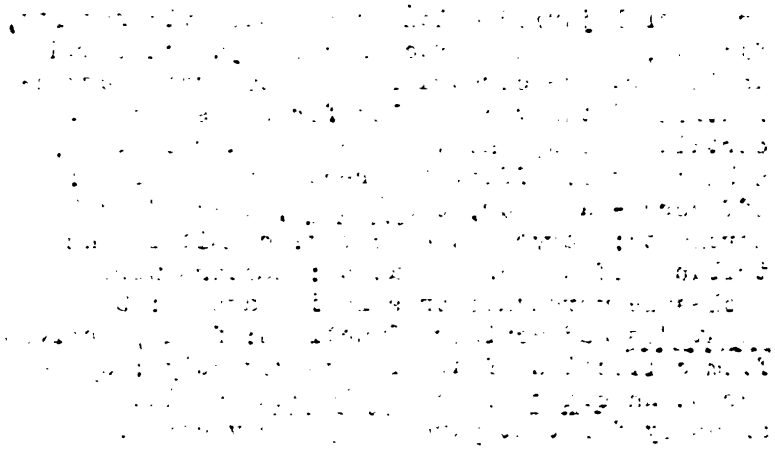
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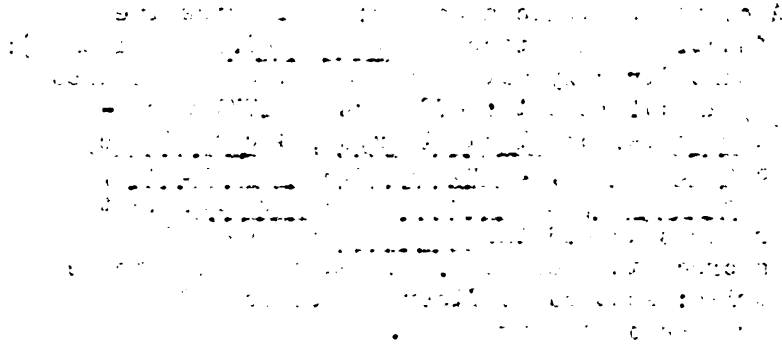
The Consulado of Mexico — Territorial jurisdiction over entire viceroyalty, Yucatán, Guatemala, Soconusco: a judicial and administrative corporation: a commercial organization of the viceroyalty for collection of certain duties, encouragement of agriculture, public works: officially recognized in 1592: officers - a prior, 2 cónsules, elected by 30 merchants: served as executive committee and tribunal of the organization: members were wholesale merchants or shipping agents: 5 diputados had advisory functions: funds, derived from collection of avería (convoy duty): appeal was to an oidor of the audiencia appointed annually for that purpose by the viceroy.

G

Tribunal de Cuentas — A court of public accounts: administrative functions in matters of real hacienda (finance): dealt directly with the Council of the Indies by annual reports: officers in 1771 were - a regente, an alguacil mayor, 4 contadores, 6 ordenadores, 5 ordenadores de provincia, 2 oficiales, an escribano, a portero: kept records as did the audiencia: observed secrecy in decisions: summoned persons to be tried: sent out officers to collect fines or dues of the treasury.

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OUTLINE C COURTS OF JUSTICE

H

Cuerpo de Minería

Cuerpo de minería (miners' association); created by José de Gálvez about 1777; held same position to mining that consulado held to commerce: court composed of a director, 2 deputies from the cuerpo de minería, an asesor, 2 consulters, a judge: tribunal sat in viceroy's palace: proprietors of mines sent representatives to provincial councils: two resident deputies at Mexico were chosen by district deputies: 37 councils of the provincial mines after 1791: apoderados (agents) at Madrid represented the tribunal: funds of - derived from two-thirds of seigniorage duty on silver delivered to the mint.

I

Juzgado General de los Indios

Presided over by the viceroy (as governor); a general court for the Indians; exclusively for trial of law-suits involving the natives.

J

Ecclesiastical Courts

Secular clergy had special courts: personal exemption from other tribunals - the fuero ecclesiastico: such courts expected to aid common courts: in civil and criminal cases certain exceptions: no cognizance in cases of non-Catholics: no power to inflict capital or corporal punishment on anyone: Council of Indies could revoke decisions: suits beginning in ecclesiastical courts, to end there in cases where judge acted as ordinary - an exception to this when judge acted as delegate of Holy See - then an appeal to Rome: privileges of these courts lost in 1795 and earlier.

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OUTLINE C COURTS OF JUSTICE

Courts of Archbishopric of Mexico

- The Provisorato for Spaniards: a juez provisor, a prosecuting attorney, a sheriff, a relator, 2 notaries or clerks, a translator of apostolic letters, keeper of records, a messenger.
- The Provisorato for Indians: a provisor, a notary, a clerk, a receiver.
- The Juzgado de testamentos, capellanías y obras pías; a judge, a councilor, a relator, chief and second clerks, a notary. 6

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6 Priestley, H. I., José de Gálvez, 60-82; Bancroft, History of Mexico, III, 517-552.

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3

Conditions as Voiced by Villarroel in 1785
(Enfermedades Políticas, parte 2, Tom. I, 1-151)

The Viceroyalty of Mexico

I. Viceroys, usually subjects of the first rank and character, are held captive in fetters of gold -

1. By the vastness of their duties.
2. By the overwhelming ceremonies by which the public purposely keeps them from more important matters.
3. By the heavy duty of spending four or six hours daily in signing their mark, "referred to the fiscal" or "referred to the asesor", to papers presented by the secretaries of the government.
4. By the interminable proceedings caused by the countless comings and goings between the fiscal and the asesor - all these so repugnant to a military career (which is the first profession of the viceroy as captain-general).

II. To enrich the officers of the government is the only object of these interminable proceedings which result in irreparable harm to the litigants: it would be better to require the asesor general to assist the viceroy two or three hours daily with lesser documents and leave the more important to the solution of the viceroy: this would result in -

1. The reduction of the number of signatures.
2. The prevention of unnecessary fees.
3. The elimination of premeditated delays that ruin the poor litigants.

III. Efforts of justice in this metropolis are rendered ineffective because -

1. Such offices as those of the royal audiencia, in both the criminal and the civil chambers are salable and transferable.
2. Officers enrich themselves by means of graft, an evil that could be prevented by granting salaries to officials according to their rank.

IV. Injustice triumphs because -

1. Viceroys, concerned chiefly with sending a large sum of money to Spain, allow these defects to continue.
2. Ministers in Spain do not send here men of ability

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who have had experience as governors in the peninsular provinces.

3. With this complicated method, now in use, the business of the viceroy as such, is not separated from that which concerns the audiencia as a tribunal of justice, an evil that can be remedied either -
   a. By taking away from the viceroy the contentious matters of law, or
   b. By letting the asesor general daily attend to the government business in his capacity of lawyer (latrado), as was said above.

V. The first method would be better, for -

1. Many proceedings pass to the audiencia by appeal, anyway; and, by this proposed method, they would go there directly, avoiding -
   a. Long-delayed appeals.
   b. Ruinous expenditures.
2. The viceroy could then attend to the military, economic, and gubernatorial phases of the work.

General Court of the Indians
(Juzgado General de los Indios)

VI. The viceroys were, by ley 47, tit. 1, lib. VI of the Recopilación charged with the cognizance of the lawsuits of the Indians, which lawsuits were to be taken before a superior judge for a hearing so that he might, as asesor, give judgment without delay.

VII. The law was not made applicable to cases before the alcaldes mayores in order -

1. That other legal regulations might not be altered.
2. That the cognizance might not be taken from the tribunals to which cases belonged.

VIII. Owing to the confusion of the laws and the cupidity of the subalterns of the court of the juzgado, the alcaldes mayores have been unduly subordinated to the juzgado, and placed in the position of defendants, and this in violation of -

1. Leyes 11 and 12, tit. 1, lib. VII of the Recopilación which remove them from ordinary jurisdiction, permitting them to be judged, while in office, only by the tribunal of the chancery or the audiencia of

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their district.

2. The principle of jurisprudence which holds that the plaintiff must bring suit under the fuero of the accused.
3. The fact that the tribunal of the juzgado, in matters of contracts between alcaldes mayores and the Indians, is incompetent (being concerned as it is only with the affairs of the Indians).

IX. Many men are ruined and the Indians become insolent because -

1. These laws are not observed.
2. Men entirely ignorant concerning Indian character and affairs are named assesores.
3. Scriveners (official secretaries), relators (officials of the audiencia to give summary of testimony already given in a case), and other officers of the court pronounce against alcaldes mayores.
4. Disorder characterizes the trials.

X. The general court of the Indians should be abolished, or, if it must exist, let the king and his ministers declare -

1. That suits brought by Indians against alcaldes mayores, settlers, and landholders of the town, be heard at the first hearing before the royal audiencia.
2. That this be done in conformity with the laws.
3. That this be done absolutely prohibiting ecclesiastics from mixing in matters of contracts.
4. That the king have two or three secret agents to investigate mode of procedure of the magistrates and report monthly to the court.

Royal Audiencia in Civil and Criminal Chambers.

XI. The enforcement of the law is intrusted to men enriched with honors and authority, the oidores, who should -

1. Hear complaints of the aggrieved.
2. Punish transgressions.
3. Give to each his dues.

XII. Justice is abandoned in both chambers of the audiencia, for the oidores -

1. Prolong suits indefinitely - which is contrary to law.
2. Judge crime by a procedure injurious to the state.

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3. Place at liberty criminals while the innocent are punished.

XIII. Oidores evade ley 56, tit. 4, lib. II (failing to hear lawsuits according to priority) and ley 24, tit. 5, lib. II (failing to investigate cases and list the order of dates to be followed in each court), thus causing great losses to the litigant who is -

1. Deprived of hearing the case.
2. Obliged to pay daily 5 pesos to the lawyer for each trip to the court and this for a long time.

XIV. Only a visitor, such as was the famous Garzarón (in 1716) can remedy such abuses as these: since the increase in positions and salaries has not improved matters perhaps it would be a good plan -

1. To suppress the regentes (acting presidents of audiencias since 1776).
2. To give the functions of the regentes to the decanos (senior judges of the criminal court).
3. To advance, if need be, the salaries of the oidores to 5000 pesos and forbid their receiving gifts.
4. To abolish the numerous holidays.
5. To insist upon giving position of judge only to the experienced and the worthy.
6. To have the office of judge conferred in the audiencias of the peninsula in order to keep equilibrium between the Creoles and Europeans.

Commissions
(Comisiones)

XV. Only commissions imposing duties that are analogous to the practice of jurisprudence should be allowed to judges: such a commission as that of the court of intestados and of ultramarinos (intestates and persons not of New Spain) belongsto their sphere, but procedure in these cases should be freed from present state of corruption.

XVI. Let the commission of land and water be abolished; it was established to care for compositions of land (grants to squatters) and now these are attended to by the royal audiencia: let other persons with time and ability receive such commissions as those of -

1. Stamped paper (which could be managed with profit to the royal treasury if handled as tobacco, playing cards, and gunpowder have been).
2. Drainage.
3. Lotteries.
4. Superintendency of the city.
5. The opera-house.

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XVII. The establishment of the intendancies would remedy these matters.

State Attorneys and Their Solicitors.
(Senores Fiscales y Sus Agentes)

XVIII. The fiscals are the arbiters of justice, for when the audiencia votes "as it seems to the fiscal" a matter is as good as ended.

XIX. The addition of a third fiscal to attend to branches of the royal treasury has not facilitated the course of business; neither has the legislation of June 8, 1780 succeeded in bettering methods of procedure, for

1. The resolutions of the ministry do not always suit the officials.
2. Excuses for disobeying royal orders are readily found.

XX. Since the fiscals and their solicitors are the channels through which pass all disputes, they have a thorough knowledge of this kingdom and they should -

1. Curtail the prolonged suits that ruin so many litigants to the enrichment of officers, and this in violation of laws in lib. IV, tit. 2, of the Recopolación.
2. Inform the king of the sufferings thus occasioned, in order that remedies may be applied.
3. Let the fiscal of the royal treasury consult the ministry regarding the injuries caused by administrators of the alcabalas (tax on all sales and exchanges).
4. Let the civil fiscal inform the ministry concerning decadent state of the people caused by the idleness and negligence of the magistrates.
5. Let the criminal fiscal also inform king of the perversion of the laws; and let him urge imprisonment of those seeking right of sanctuary; also let him have records made of criminals detained in jails through whim.

Officers of the Civil and Criminal Chambers
(Officios de Camara de lo Civil y Criminal)

XXI. These officers are more offensive than these of the viceroyalty; the latter obtain offices by purchase while these obtain

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them by the lease system and extort even more from litigants to maintain themselves.

XXII. These petty scriveners, employed by officials, practice abominable cheating, even changing to petitions the decrees dictated by the oidor semanario (official serving in office a week at a time, as judge) and presenting them for signature.

Attorneys, Relators, Scriveners, and Others
(Procuradores, Relatores, Escribanos y Demas)

XXIII. These offices were created to expedite legal business and for the protection of poor litigants; unfortunately they practice just the opposite as is shown -

1. By the fact that attorneys proleng the lawsuits.
2. By the failure of advocates to enforce the intention of the litigants of whom they are the declared patrons.
3. By the fact that judges pronounce decisions according to dictates of scriveners.
4. By the fact that lawsuits are stirred up -
   a. By agentes de negocios (promoters for persons other than Indians).
   b. By solicitadores de Indios (Indian agents).
5. By the injustice shown in the proceedings of the relatores.

XXIV. It is impossible to correct the procedure of the tribunals as, to do so, it would be necessary to consult the judges who are themselves interested in prolonging suits, and these lack courage to restrain their subordinates: the only remedy is to lessen the number of lawsuits by reducing the number of advocates, scriveners, and attorneys.

Visitation of Jails
(Visitas de Carceles)

XXV. According to ordinances, visitations of the court and city jails should be made at certain times, but these are done with no intelligence, for -

1. The judges have no knowledge of the criminals other than that furnished by the scriveners who deceive them.
2. Officers keep no list of criminals, their character, length of imprisonment, nor the nature of their crimes.

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The Necessary Visitation of Scriveners (Visita de Escribanos Precisa)

XXVI. Scriveners have failed to keep judicial records; expedientes (written accounts of testimonies in a case) have been forged by them; contracts, powers of attorney, wills, and other papers are not properly legalized, and many are lost on purpose or sold for fire-works or wrappings.

XXVII. This situation may be remedied -

1. By limiting the numbers of scriveners to what is necessary.
2. By admitting to office only well-born, honest, and capable men.
3. By subjecting them to a rigorous visitation every six years from a lawyer not of the audiencia of the territory.

Lawyers

XXVIII. There are 175 lawyers registered in the City of Mexico; these eat, drink, and triumph at the expense of others, and to the injury of the state; therefore the government should remedy this evil -

1. By reducing the number.
2. By demanding good birth and the qualifications mentioned in -
   a. Tercera Partida, tit. 6.
   b. Recopilación de las Leyes de Castilla, lib. II, tit. 16.

XXIX. As these lawyers are in league with the officers, solicitors, and attorneys, they seldom nullify the dishonest autos drawn up by those officials.

XXX. Lawyers are tempted to seek dishonest business because the royal audiencia allows the profession to be injured by permitting ecclesiastics to openly practice jurisprudence.

XXXI. The practice of jurisprudence has been opened to ecclesiastics on account of -

1. The propensity of the people to depend upon them.
2. The exceptions to the laws which prohibit their practicing jurisprudence as found --
   a. In Recopilación de las Leyes de Castilla, lib. I, tit. 3, ley 10.
   b. In Recopilación de las Leyes de Castilla,

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lib. II, tit. 16, ley 15.
c. In others.

XXXII. It would be well if ecclesiastics would confine themselves to the exercise of the legal profession in permitted cases, and at proper times, as in lawsuits of their churches and poor people, and this without injuring the profession of jurisprudence; but this is not the case; and they mix in distracting affairs not in conformity with the regulations of Canon Law regarding their state of life.

The Royal Tribunal of Accounts (Real Tribunal de Cuentas)

XXXIII. This third chamber of the audiencia is in a deplorable condition but just now there is a physician commissioned to care for it and it is not good policy for another to suggest the reforms. (It is perhaps José de Gálvez who is meant here: also notice that this paper by Villarroel is dated 1785 instead of 1765-1771).

Provincial and Ordinary Tribunals (Juzgados Ordinarios y de Provincia)

XXXIV. These tribunals have at their head, as judges of the provincial courts and those of the capital and its environs,

1. Corregidors (governors of districts and also Indian commissioners).
2. Alcaldes ordinarios (elected annually to ordinary jurisdiction in a town).
3. Alcaldes del crimen (superior judges in chancelleries and audiencias - about like oidores).

XXXV. The justice these officers dispense is nothing but verbal judgment that follows the impulse furnished by the scriveners, for -

1. The corregidor fails to give justice for fear of falling out with the viceroy (always the object of his idolatrous attention).
2. The alcalde ordinario fails to give justice for fear of the civil and criminal courts, the magistrates of which interfere with his cases.
3. The alcalde del crimen fails to give justice, although he has little to fear from anyone, because he seeks gain in all cases and yields to the direction of the scriveners.

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Alcaldes de Barrio

XXXVI. Although this city, in 1782, was divided into wards, and an alcalde de barrio named for each one, subordinate to the eight judges of the city, the good results expected have not been realized owing to certain defects:

1. Methodical instructions for use of their powers were not furnished.
2. Europeans in these offices suffered at hands of the alcaldes del crimen to whom the wards belonged.
3. Alguacils (inferior ministers of justice) had to be maintained in these offices at the expense of the alcaldes de barrio.

Tribunal de la Acordada

XXXVII. This tribunal is managed by one judge only, without the asesores and the defensor having any authority or distinction other than that which their power gives them as lawyers (letrados).

XXXVIII. This court suffers many contradictions from the magistrates and it is the only one where justice is ministered by the asesors who are not ruled by passion and self-interest.

XXXIX. According to the laws of the institution of the court, and the wise intent of the sovereign, the method of distributing justice is brief and summary, yet for this court to exercise with freedom the purposes of its creation in a kingdom so full of crime, it seems permissible to specify certain rules:

1. Create another such tribunal with delimitation of jurisdiction and provinces, with its capital in the city of Guadalajara; if necessary, suppress other ministers and supply two asesores, and a defensor distinguished by title and salary of ministros togados; later, when these men have gained experience, admit them to the audiencia.
2. Maintain another asesor if necessary.
3. Ascertain what permanent income this establishment has, in order to regulate the salaries for -
    a. The judge in capacity of president.
    b. Three asesores and a defensor in capacity of ministers and cojudges.
    c. A number of provincial lieutenants.
    d. Additional officials, and for the mainte-

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nance of criminals.

4. Guard these funds in the Arca de Tres Llaves (chest with three keys), no funds to be taken therefrom save these -
   a. For monthly pay of subordinates.
   b. For provision of grain.
   c. For the maintenance of criminals.
   d. For other necessary expenditures.
5. Confer the titles of lieutenant, commissionary, and quadrillero (commander of armed band employed by the Acordada) upon suitable subjects, and let the sum realized from these titles be used to pay the expenses of the administration of justice.
6. Since judges draw a salary as guardas mayores of the roads, let them survey the dangerous places now neglected.
7. In case of absence of the judges, let the government of the court rest with the oldest asesor cojuez (adviser of a judge); if the latter is absent, then the next in rank.
8. Attendance at court should be from eight until twelve: let the asesores alternate weekly in staying from four until six in the afternoons.
9. The offices of the three asesores and the defensor being filled in consultation with the king, he alone should have power to remove them; promotion should reward their services.
10. If this court is erected in the manner described, the cases must not be demanded by any other court unless at the request of the viceroy, who should hear the report of this court before acting; thus much harm will be avoided.
11. See that the cases of criminals, claiming immunity, be attended to speedily in order to prevent injury to those concerned, and to prevent the ecclesiastical court from taking these cases in hand on pretence of pity.
12. It would be better to separate the commission on chinguirito and other prohibited beverages from the Acordada, because so many dissensions arise on account of it, and tire this tribunal: in the opinion of the writer it would be better to allow these beverages to be manufactured freely although they are ruinous to subjects of this kingdom.

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Prohibited Beverages

XL. The Acordada has become disliked and has lost the strength of its position because the hateful duty of enforcing the prohibition of native beverages has been intrusted to it, this work being attempted by its many subordinates about the country.

XLI. Zeal to prevent inebriety and crime was not the motive of those who succeeded in prohibiting these beverages, it was represented that the sale of liquors of Castile would be facilitated thus; accordingly the passage of numerous proclamations against the native beverages was obtained.

XLII. Commerce gained complete control of such beverages -

1. By the protection afforded by these proclamations.
2. By means of a certain sum taken annually from the tonnage tax (barrillage), collected at Vera Cruz for the fee of the judge of the Acordada and the subordinates employed to prosecute liquor dealers.
3. By frauds which enabled it to increase profits a hundred fold and rob the royal treasury in proportion.

XLIII. A comparison of tabular statements of tonnage tax (barrillage) for a quinquennium at Vera Cruz with statements of other customhouses is proof of a certain fraud: barrels of water that were passed through the customhouse, were emptied at Cardoba and other places, refilled with chinguirito, and introduced free into the customhouses of Puebla, Mexico, and other towns, with the safeguards of the guias (paper showing that duty had been paid) passing them as liquors of Castile.

XLIV. Since the prohibition of these beverages, distilleries have become more numerous and crime has increased.

XLV. Since the liberation of commerce from the monopoly of Cadiz, by the opening of the ports of the peninsula, a competition with Vera Cruz has been established, and the primary object of the prohibition has ceased in consequence, therefore three questions arise:

1. Will commerce contribute its part, as did the merchants of Cadiz and New Spain, to maintaining the apparent prohibition, especially if the new traffickers will not ?
2. Contributions being withdrawn, the judges of the Acordada would no longer receive salaries to enforce prohibition and would they be zealous

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without payment ?

3. Since distilleries have increased during the time when these officers have received rewards for prohibiting them, will greater success be achieved when they are offered none ?

XLVI. In the year 1766, I placed in the hands of the visitor general a paper entitled "Chinguirito Vindicated and Truly Defended" but it produced little effect: should the same be given consideration by the king, the treatise may be of some use.

XLVII. It is no wonder that so many are employed in the distilleries of these beverages when we consider the following causes of the present sad conditions:

1. The lack of education which minors receive.
2. The propensity of the natives to avoid work.
3. The great liberty in which they are reared.
4. The encouragement afforded to vice and idleness.
5. The neglect of sending families to settle towns.
6. The excessive number of people without a useful trade.
7. The daily need of food.
8. The lack of purpose, ability, and direction, on the part of those who govern, to find a remedy for the disorders, which, if corrected, would prepare the way for a salutary prohibition that would serve to cure the moral evils caused by drink.

XLVIII. The absolute prohibition of chinguirito would be injurious, for -

1. It is distilled from the remains of the sugar cane.
2. Great waste would result to cultivators and the price of sugar would be raised to cover the loss, the consumer bearing the burden.

XLIX. It is false to maintain that native liquors impede the sale of those of Castile, for -

1. It is impossible for Spain to supply even a small fraction of this kingdom.
2. The real de minas (fortress near new mine) of Guanajuato alone consumes annually 25,000 barrels.

L. Without granting an absolutely free manufacture of chinguirito or prohibiting it entirely, and all at once, a method

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avoiding extremes may be adopted:

1. Let prohibition be withdrawn in the provinces and territories of New Spain, regulating charges and imposing duties upon the beverage, the garitas (office where tax on traffic in provisions was collected) keeping customhouse receipts for the same.
2. Let prohibition remain in force in the capital.

LI. Good will result from these measures:

1. These duties will cause many to gently withdraw from this business - a desirable end, impossible of accomplishment by imprisonment, confiscation, or presidial service.
2. Other employment having been found by many, the enforcement of prohibition will be easier if desired.
3. The royal treasury will gain from the tax and have no part of the revenue to pay in trying to prohibit the beverage.
4. Exportation to Europe will form a new and profitable branch of commerce as it is in Havana, Trinidad, and other places.
5. Producers of sugar will be encouraged and consumers will pay less.
6. Sales formerly carried on clandestinely, will be subjected to the alcabala and the royal revenues will be thus increased.
7. Mezcal (distilled from tops of wild maguey) will be taxed also and freed from the monopoly of New Galicia.

LII. It is to be hoped that the king will give his attention to these matters.

Real Tribunal de Minería

LIII. Owing to man's love of gold and silver, the strength of the monarchy depends upon the prosperity of the cuerpo de la minería (tribunal for the mining interests established about 1777).

LIV. This organization, although denied certain aids which it requested, has received many benefits from the government, such as -

1. Laws to encourage the mining industry.

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2. Reduction in price of materials used in mining.
3. The collection of the derechos de seigniorage (one real on every silver mark coined, an impost that formerly belonged to the king).

LV. Yet the public has witnessed only failures in the operation of this body, owing to the unskillfulness of those employed to manage its business; this effect could have been predicted by remembering disasters under the same administration -

1. In Southern Lower California.
2. At Los Alamos.
3. In other places in Sonora.

Conclusion.

LVI. With so many disorders prevailing in the various offices, it is the duty of the government to root out these evils which are destroying the inhabitants of America: this might be accomplished -

1. By taking from the viceroy all matters of abstract law.
2. By refraining from conferring positions of ministros togados upon subjects not versed in the law.
3. By limiting the number of lawyers.
4. By establishing a general visitation of tribunals every ten years in order that civil and criminal autos of the secretariats and archives of the audiencias may be segregated.
5. By appointing an ecclesiastical visitor for the same duty.

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VI

PROBLEMS INVOLVING THE NATIVES

1

The Treatment of the Indians

That the decadent conditions exposed in the treatises of Villarroel may be understood, a résumé of Spain's policy regarding the natives will be helpful. Always, the tenor of legislation concerning the Indians was that of solicitude for their welfare. It is not denied that wealth was sought by the Spanish invaders and that harsh measures were adopted, yet the ecclesiastical and civil authorities were repeatedly warned to fulfill their obligations to the aborigines.

Mingled with their desire to amass gold from their possessions beyond the seas, their Catholic Majestics cherished a sincere hope to establish in the New World a truly Christian civilization. All was not greed: a part of the royal revenues, gathered from the newly acquired lands, laid the foundations of its best institutions. While Spanish adventurers risked their lives in search of treasure, plundering as they went, missionaries, inspired by zeal, sacrificed all comforts in exchange for

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terrible hardships endured in bestowing upon an idolatrous people the spiritual gifts of Christianity. These conflicting motives impressed themselves upon Spanish legislation which apparently sought to gain from the Indians the utmost that could be held compatible with the return gifts of civilization and religion.

In the days of Columbus, as soon as the Indians were brought under subjection, the payment of tribute was demanded in acknowledgment of conquest. It was allowable to work out the tax by labor on the plantations of the Spaniards. Close upon this, the followers of Columbus demanded citizenship and allotments of land: then began the practice of apportioning to the Spanish adventurers repartimientos or encomiendas (as they were later called) of designated areas with a certain number of Indians attached thereto for working the fields and planting crops. An obligation rested upon the recipient of an encomienda as is shown by the form of the grant: "To you, — , are given in trust, under chief, — , fifty (or a hundred) Indians with the chief, for you to make use of them in your farms and mines, and you are to teach them the things of our holy Catholic faith."

Laws of 1509 and 1580 decreed that, as soon as a governor pacified a province, he should divide the Indians and the lands among settlers in order that the work of cultivation could begin at once. Subsequent regulations regarding encomiendas show that these grants were the occasion of much cruelty towards the natives. In

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response to petitions, royal orders at times sought to abolish the system or to modify it; but the grants continued to be held in the same way. Efforts to secure a more humane treatment of the natives were championed by Father Bartolomé de Las Casas who won the title, Protector of the Indians, and secured the passage of the New Laws of 1543; yet the repartimientos were restored, and desired results were far from attainment. It cannot be shown definitely that depopulation resulted from these early cruelties, yet a reliable estimate gives figures for the rapid decrease in the case of Española alone. In 1492 the inhabitants numbered between 200,000 and 300,000; by 1514 they were reduced to 14,000. Las Casas in his rsports mentioned the destruction of millions.[1]

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1 Peschel, O. F., Zeitalters der Entdeckungen, 430, cited by Bourne, E. G., Spain in America, 214.

Bernal Diaz, noting that early historians were given to exaggeration, expressed his view about their account of the conquest; "They did not tell correctly what took place in New Spain. When they began to write about the great cities, and the great number of inhabitants, they were as ready to write 80,000 as 8,000.... Then about the slaughter they say we committed...as we were only 450 soldiers who marched to that war, we had enough to do to defend ourselves... nevertheless the historians say that we made as great a slaughter and committed as great cruelties as did Alaric" (The True History of the Conquest of New Spain by Bernal Diaz, Hakluyt Society, Second Series, XXIII, 66).

According to early reports by the companions of Columbus, the Indians were characterized as lovers of idleness who would not work

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even for wages. Moreover, they fled away from association with the Spaniards whenever an opportunity presented itself. Legislation attempted to furnish a means to overcome these tendencies. Villages were to be built; lands that the Indians could not alienate were to be assigned; missionaries were to withdraw them from pagan ceremonies, and establish schools to teach the Christian doctrine and the Castilian language. Marriage was to be Christianized and the marriages between Spaniards and natives were to be encouraged. Indians were to be compelled to work on buildings and mines for wages determined by the governor. This arrangement, naturally leading to oppression, resulted in laws that were meant to defend the Indians. Before the courts, it was soon regulated that a protector should study the interests of the natives, and that punishment should be meted out to Spaniards who maltreated them.

Such legislation continued to protect the rights of the Indians throughout the years, as reports of cruel treatment were not wanting at the Spanish court, and there were many who exceeded the bounds of their authority in the colonies. Philip IV was called upon to admonish the transgressors of the laws regarding the Indians, and Charles II, in 1680, repeated the injunctions of his father when he wrote:

> I will that you give satisfaction to me and to the world concerning the manner of treating those my vassals, and if this be not done, so that as in response to this letter I may see exemplary punishment meted offenders, I shall hold myself disobeyed; and be assured that if you do not remedy it, I will.

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> The least omissions I shall consider grave crimes against God and against me; the evil conduct tending as it does to the total ruin and destruction of those realms whose natives I hold in estimation; and I will that they be treated as is merited by vassals who serve the monarchy so well, and have so contributed to its grandeur and enlightenment.

The original grant of an encomienda demanded in return both spiritual and temporal aid for the Indians. The system gradually changing, new methods of fulfilling the obligation developed. Near the close of the seventeenth century, holders of these grants were asked to pay a good part of their revenues to the crown. More and more was demanded until the royal treasury succeeded in taking over nearly all of it by 1721. [2] The alcaldes and corregidores who

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2 Bancroft, History of Central America, I, 264, 258.

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collected the tributes until 1786 were expected to fulfill obligations to the natives by selling them the necessary seeds, tools, and animals for the cultivation of the farms. Such produce as cochineal, cacao, grain, fish, honey and poultry could be accepted in payment of tribute. Among the instructions to José de Gálvez was an injunction to improve methods of collecting the tribute which was not finding its way into the treasury. This was due in great part to a negligence on the part of the magistrates who failed to insist upon

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the payment of the tribute in outlying districts.[3]

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3 Priestley, H. I., Jose dé Gálvez, 323-325.

Concerning the advantages seized by the alcaldes mayores in distributing provisions to the Indians, the Archbishop of Mexico, January 21, 1768, wrote: "The main subsistence of the alcaldes mayores is derived from the repartimientos of clothing, mules, and other commodities which they make (they and their lieutenants) to the Indians at a high price.... These repartimientos were necessary at the beginning of the conquest, but now the Indians weave their own clothing and raise their own livestock...." (Richman, I. B., California under Spain and Mexico, 440).

The inefficiency of the governmental system facilitated the exploitation of the Indians in spite of protective measures taken to prevent it. On the other hand the Spaniards were inconvenienced by certain regulations. During the time of Charles III, the natives were enjoying economic freedom that placed them upon a level with the Spaniards. Manufacturers and handholders who employed the Indians were cautioned by law, and threatened with severe penalties for maltreatment of the native laborers. The Indian character in response to these advantages manifested great insolence and seized the occasion to make trouble for those who employed them. Lawsuits resulting were endless, and many of these were encouraged by interested persons who made use of the Indians to set disagreements in motion in order to gain something thereby. The administration of justice was rendered particularly difficult as truth was not a strong virtue in the native character. It was the opinion of

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Hipólito Villarroel that the old-time vigorous control should be restored since freedom was so abused.

As elsewhere, the Indians of Mexico reverted to barbarism when the mission system was changed or abolished. It has been claimed that this was the logical result of their having accepted a new religion through compulsion, remaining, all the while, pagan at heart, or to their having been subjected to the missionary policy of keeping the natives in tutelage.

The true nature of their conversion to Christianity has been explained by Father Zephyrin Engelhardt who says that the Indians were never compelled to join the missions. By means of gifts they were persuaded to visit the establishments where they could see that worldly advantages were attached to Christian living. They then voluntarily sought instruction and the missionary seized the opportunity to make them grasp the spiritual aim and benefits of becoming Christians:

> ... The persuasion of well-fed Christian relatives operated more powerfully in favor of the mission than even the gentle manner of the missionary. To know that there would always be something to eat under the shadow of the Cross, whilst away from it there was everlasting want of food, was a powerful incentive; for a material meal would attract the savage far more effectively than any number of other reasons. It was not a noble motive, but it was as high as the low Californian was in the habit of thinking, and the only one which he could command. The better motive for staying and submitting to the conditions came whilst he received instructions. If he could not muster the courage and manhood requisite, he was free to depart; and very likely many did return to their wild ways which knew no

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> restraint of any kind. After the candidates had once received Baptism, however, which could not be administered until the missionary convinced himself that the catechumens were in good faith and determined, then, indeed, they were not free to resume their wild and immoral life, because they bore the indelible mark of a Christian upon the soul which it was not allowed to desecrate. Such neophytes were on a level with the soldiers who had taken an oath to stand by the flag of their country which they could not be permitted to desert.

That there was wisdom in the system of tutelage, combined with a certain degree of isolation, is shown by conditions observable in Jesuit missionary fields before and after the expulsion. There is no knowing what results might have been attained had the system been permitted to continue. Ideals were still far from realization in 1767, and the Indian character presented many obstacles to efficiency in self-government. Although the Jesuit method was severely criticised, no one succeeded in substituting a better one. The economic basis upon which the Reductions of Paraguay were managed had enormous advantages. The Jesuits lived poor as was demanded by their vow of poverty, but a papal license, granted to procurators of foreign missions, permitted them to handle the sale of the farm produce of their native converts who were too rude and childish to make bargains for themselves. The Indians were advancing in civilization because one of the first requisites was present there - industry. It was the experience of all missionaries that the natives, if they were to be kept in settlements at all,

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should be employed in some useful occupation. The lack of this was the cause of failure elsewhere.[4]

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4 Rousseau, François, Règne de Charles III d' Espagne, I, 154-163; Cunninghame Graham, A Vanished Arcadia, 196-212.

Many opportunities to give new systems a trial have come and gone since then, but the old mission methods do not suffer in the comparison. The record of a government attempt in the United States helps us to understand the immensity of the task imposed upon the early missionaries. The report of an Indian Commissioner shows that the character of the native has responded but little to the aids furnished by civilization:

> ... For about a generation the government has been taking a very active interest in the welfare of the Indian.... In the last thirty-three years over $250,000,000 have been spent upon an Indian population of 180,000...
>
> What is his condition to-day ? He is still on his reservation...he is still dependent upon the government for his existence; ... he is little, if any, nearer the goal of independence than he was thirty years ago, and if the present policy is continued he will get little, if any, nearer in thirty years to come. 5

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5 Annual Report of the Hon. W. A. Jones, Commissioner of Indian Affairs, for 1901, cited by Father Zephyrin Engelhardt in The Missions and Missionaries of California, II, 268-269.

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It is not surprising, then, that the Indian lost so readily all that he had gained from his mission life. In New Spain and upon the northern borders, at an early date, it was proved that the Indian was far from being sufficiently prepared for the liberty and equality, which some sought to bestow upon him. Felipe de Neve's compulsory secularization of the missions, in order to free the Indians and oblige them to support themselves, failed in its object, and ruined some of the missions in 1780-1781. The land was left uncultivated and they could not be made to provide for themselves; there was no further advance either intellectually or morally. José de Gálvez found this result when he visited the missions where the new plan had gone into effect. [6]

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6 Ibid., I, 522.

It was the knowledge of these failures which made Father Junípero Serra oppose so firmly the attempts which were made to change the mission system of the Franciscans in the establishments of Santa Barbara.

The picture of wretchedness drawn by Hipólito Villarroel, in writing of the conditions in New Spain, is probably not exaggerated as Indians everywhere reverted to barbarism in great numbers. Almost a century before this, a traveller reported the impressions which he received from a visit to New Spain and the picture is much the

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same:

> ... These wretches like many in New Spain live rather like beasts than men, among frightful mountains. They live most of the year upon herbs, because they have no Indian wheat, by reason they till but little land, and are given to idleness...and sleep upon the bare ground.... There is no doubt but that their own sloth is the cause of their misery as also the avarice of some alcaldes who take from them all they have got the whole year, obliging them to buy oxen, mules, horses, and quilts of them, at three times the value, and taking their provisions at their own rates. 7

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7 Churchill, A Collection of Voyages and Travels...from Original Manuscripts...., IV, part 5, A Voyage round the World by Francis Gemelli Careri, 513.

This is the condition to which the Indians returned when the control of the missions was relaxed or abolished. It must have been particularly easy for them to fall back, as so many of the unconverted natives inhabited the regions in the neighborhood of the settlements.

2

Mission Changes under Charles III

After the expulsion of the Jesuits in 1767, there was a serious problem confronting José de Gálvez whose duty it was to provide priests for the missions left vacant. Property had been confiscated as belonging to the Jesuits, rather than to the

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Indians, and the temporalities of the missions had been placed in the hands of soldier-commissioners who soon squandered them.

Immediately after the expulsion, the viceroy granted the missions of Lower California to the Franciscans of the College of San Fernando, who took charge at once under Governor Portolá. Upon the arrival of the visitor-general, the temporalities were returned to the Fathers, as José de Gálvez considered their confiscation illegal; he looked upon the property as belonging to the Indians, and not to the Jesuits. Difficulties arising, Father Palou, in 1770, presenteda memorial to the visitor, through Father Dionisio Basterra, asking a reform in the management of temporalities and begging the payment of the Pious Fund, which was an endowment from private alms raised by Father Salvatierra in 1697. As José de Gálvez was interested in making the peninsula self-supporting and capable of aiding the projects in Alta California, he did not listen to the requests. Finally these missions were transferred to the Dominicans in 1771, the Franciscans retaining the new field of spiritual labors opening to the north.

To aid in replacing the fifty Jesuit missionaries of the northern border, it was planned to secularize half of the missions;these were of Sinaloa and Ostimuri as far as the Yaqui. The Franciscans of Querétaro and Jalisco were to have charge of the others. As the plans of José de Gálvez aimed at replenishing the royal treasury, certain sums were saved by depriving the secular priests of the usual funds and refusing provisions for the natives. The establishment of an intendancy was

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being tried in Sonora, in 1768, and Gálvez hoped by restrictions in other quarters to pay the salaries of the new officers. Missions erected into parishes were supposed to receive support from tithes. The new arrangement contributed to the decline of the missions and the dispersal of the Indians who had congregated there.[8]

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8 Priestley, H. I., José de Gálvez, 285-286; Bancroft, History of the North Mexican States, I, 670-673.

The twenty-seven missions of Nueva Vizcaya (including those of the Chinipas district) were intrusted to fifteen Franciscans sent from Zacatecas; fourteen from Querétaro reached Sonora in May, 1768, to be distributed throughout the Pimerías, there to serve the old Jesuit missions. Owing to fewness of missionaries over a large area, the neophytes, in nearly all of these places, were neglected, and decline was rapid.[9] In Pimería Alta the glory of the Jesuit, Father Eusebio

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9 Bancroft, History of the North Mexican States, I, 653.

Kino, had passed away. Since his death in 1711 the settlements had suffered vicissitudes, and the control over the Indians had been lost by 1767. The Franciscans made successful efforts to revive the mission life but, at best, it was only a partial restoration.

From San Xavier del Bac, Father Francisco Garcés, in his

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missionary visitations to the Yuma region, formed a friendship with those Indians, and furthered the subsequent overland expedition of Captain Juan Bautista Anza to Alta California (1774-1776). In 1779 two mission-pueblos were established at the Gila-Colorado junction according to a plan drawn up by Felipe de Neve and ordered by Teodoro de Croix, the comandante-general of the Interior Provinces. There was to be no presidio: the missionaries were to be protected by a settlement of ten families who were also to serve as an example to the neophytes who were to live in their midst instead of in pueblos as had always been the custom in other foundations. In spite of protestations from the Padres, the new method went into effect and the missions were destroyed by the Indians within a year.

> ...The experience at the Yuma missions is a pointed commentary on the need of soldiers to control mission Indians, and on the wisdom of the usual Spanish custom of separating the neophytes from settlers. For his part in the plan Croix has been severely critized,but it must be remembered that at the time he needed every soldier available for the Apache wars and the Yumas had much vaunted their friendship. 10

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10 Bolton, H. E., and Marshall, T. M., The Colonization of North America, 1492-1783, 393-394.

Missions in Texas, Coahuila, and New Mexico continued under the care of the Franciscans, but little progress was made during this period. Strife between military officers and the padres, and also the lack of funds, contributed to the decadence of the missions.

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A notable achievement was made at Mission Rosario, which had been established about four leagues from Bahía for the purpose of civilizing the troublesome tribes of that region; two hundred baptisms were reported there in 1768. The cession of Louisiana and the new plan of presidios, which went into effect in 1772, withdrew the missions from eastern Texas and made several other transfers within the province.[11]

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11 Bolton, H. E., Texas in the Middle Eighteenth Century, 320; Bancroft, History of the North Mexican States, I, 605-608.

In Alta California the missions were a pronounced success under the Franciscan method and the direction of Father Junípero Serra (1769-1784). The efforts of José de Gálvez in making the occupation of Alta California a bulwark for New Spain had been accomplished. Four presidios guarded the Pacific coast and the interior settlements, which continued to increase in number throughout this period.

Under the governorship of Felipe de Neve (1775-1782) changes, already noted, were introduced into the mission system, which, in the years following, resulted in weakened control over the Indians and the decline of the missions.

While the natives were being won to Spanish civilization in the new territory to the north, they were being rapidly lost in the south. The Christian Indians of Paraguay, numbering about 144,000, were transferred to the care of other religious orders, chiefly the

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Franciscans, and placed under a code of regulations drawn up by the viceroy and modeled upon the Jesuit system. In spite of this, the missions declined, and thousands reverted to barbarism, or, remaining in the towns, became vagabonds. Disputes among the authorities, and the lack of dependable government support hastened the decay of these foundations. In New Spain, like results accompanied the changes wrought in the government of the missions.[12]

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12 Mooney, James, (United States Ethnologist), in Catholic Encyclopedia, VII, 48.

Villarroel, in his Political Illnesses, parts 1 and 2, attempted to show the reasons for the Indian conditions following upon mission changes in New Spain, and he offered suggestions for the restoration of the Indians to civilization.

3

The Royal Patronage

By right of the royal patronage the kings of Spain possessed almost absolute control over the church in the colonies; Popes Alexander VI and Julius II had made concessions in order to facilitate the work of converting the natives in regions so far removed from the centers of authority. The privileges of the king were usually exercised through the Council of the Indies, the viceroys, and the

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governors. No religious foundation of any kind could be erected in New Spain without royal sanction. It was the king's right to nominate candidates to all ecclesiastical benefices; he could also determine the limits of the dioceses. No religious could be sent to the Indies without his permission; when there, they could not be moved from one province to another without his authorization. Between the Council of the Indies and the religious orders, a commissioner-general negotiated affairs: a superior general could not nominate provincials without presenting his decision to the commissioner who had to obtain the approval of the Council. The king could reprimand ecclesiastical officials, summon them to Spain, or banish them if he found reasons for doing so. It also lay within the royal power to fix the revenues of benefices. Without the seal of the Council of the Indies no use could be made of bulls and briefs from Rome. Before publication, the records of provincial councils and synods, as well as their decrees and constitutions, had to be examined by the Council. The same rule applied to records and decrees of the chapters held by the regular orders. Briefs of the Congregation of the Propaganda, listing missionaries for the Indies, had to receive the king's sanction. [13]

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13 Crivelli, C., (Professor of History, Instituto Cientifico, Mexico City), in The Catholic Encyclopedia, X, 260-261.

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According to a royal decree of June 1, 1654, it was declared that any visitor, provincial, prior, guardian, or prelate who was appointed or elected to position in the Indies, "should before exercising his office, notify the viceroy, president, audiencia, or governor then in supreme power in the province, showing his letters of nomination and election, in order to obtain the protection and help necessary for the exercise of the duties of his office in the province." [14]

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14 Ibid., 261.

It was also regulated that the viceroy or governor should be present at the chapters of religious orders if they were held in the place where these officers resided; any observable disorders, relaxation, monopolies and partnerships indicative of simony and abuse, should be pointed out for correction. If chapters were held at a distance from the official residence, a letter of admonition should be sent to the assembled religious.

This power exercised by the kings of Spain produced both good and bad results. The lack of freedom in making appointments to missions, held by the regulars, in some cases hindered the accomplishment of their best work. The royal nominations to the episcopal sees showed, as a rule, wisdom in selection. The true attitude of the kings of Spain towards the obligations which were

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theirs, as patrons of the church, is shown by Father Camillus Crivelli.

> ... Some of these privileges had been usurped by the kings, and others had been granted by the Holy See. To have a proper understanding of the reason of these concessions, which now seem to us excessive, we must bear in mind all that the Spanish kings did for the cause of religion in America. They erected and endowed nearly all the churches in the New World, defrayed the travelling expenses of the religious and bishops until they reached their posts; they had assigned different amounts, by way of alms, to churches of religious orders, in order that these might be supplied with oil, lights, wine, altar breads, and other requisites for Divine worship. The building of new churches and cathedrals, the foundation of missions, depended largely on the royal bounty. When some church, especially in the Indian towns, needed repairing, the citizens could easily, on application, be freed from the tribute which was paid to the king, in order to devote the money to the needs of the church. Although the Bull of Alexander VI conferred the tithes of all the Indies on the king on condition that he should endow the churches and provide an adequate maintenance for their ministers, the kings nevertheless rarely availed themselves of the grant, but donated to the bishops, dioceses, clergy, churches, and hospitals in the Indies a great part of what was due them from this source.
>
> In so far as the royal patronage in New Spain is concerned, it must be admitted, in deference to the truth, that if in some instances royal decisions were oppressive, and little in accordance with the liberty of the Church; the royal supervision in many other respects was beneficial....

Attention is called by Hipólito Villarroel, to the disorders attending elections among the regulars. The existence of these divisions was due to the rivalry between parties representing

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the creoles and Europeans. It was customary for the government to grant all important offices in the state, the army, or the church to Spaniards born in Spain. This caused resentment to manifest itself in quarrels that often brought serious results. As the same rivalry disturbed the good order of monasteries, Pope Innocent XI, as a means of pacification, decreed that alternate rule should be fixed in the communities where both parties were represented.

The transfer of parishes from the regular to the secular clergy called forth bitter complaint from Villarroel, because he saw in the change the cause of deplorable conditions among the Indians. Religious priests held parishes only because early conditions in New Spain had demanded it, and it was well understood, between church and state, that they were to be removed from such positions as soon as substitutes could be provided. The kings of Spain, learning that this arrangement prevented the observance of the rules that bound the members of religious orders, they hastened to replace them by the secular clergy although sufficient numbers were not available. Other points relating to the transfer are discussed in the Enfermedades Políticas.

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4

The Clergy and the Indian Towns
(Enfermedades Políticas, parte I, Tom. I, 1-93)

Introduction

I. Although the political ills of New Spain are well known, and though higher authority has, at times, attempted to apply remedies, the undertakings have proved unsuccessful, either because -

1. Persons capable of the work were not employed, or
2. The viceroys were overburdened with legal, military, and financial affairs.

II. The best exposition of political and moral defects of New Spain was furnished -

1. By the Duque de Linares in his instructions to the succeeding viceroy, Marquis de Valera, wherein he -
   a. Deplored his lack of freedom in governing, owing to interference of ministros togados (superior judges of the audiencia) and influential ecclesiastics.
   b. Explained the character of the people to be governed.
   c. Exposed the political defects of his day.
2. By José de Gálvez to Viceroy Bucareli, in response to a royal order of December 31, 1771, wherein he reported on -
   a. The state of the royal revenues.
   b. His expeditions to the Provincias Internas and California.
   c. The character of superior and inferior magistrates.

III. After reviewing these reports I have endeavored to determine whether or not any advancement has been made in affairs economic, political, and civil: the result shows that -

1. The royal treasury has been increased.
2. Tribunals and offices have been improved somewhat.
3. The general condition, however, is worse than it was in 1716.

IV. Having observed many disorders during my twenty-five years of experience in the capital of this kingdom, I am urged by zeal to

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call attention to various ills in order that the superior government, being informed, may apply remedies for the health of the state.

The Secular Ecclesiastical State
(Estado Eclesiastico Secular)

I. Religion being the first object of civil society it is quite proper to note the state of the curia ecclesiastica although I hesitate to intrude into the intimacy of the sanctuary.

II. Despite its exalted character, the secular ecclesiastical state is subject to some defects that are capable of cure, and for which the following remedies might prove profitable:

1. Let the bishoprics be divided so that ecclesiastical rents may be distributed outside the capital for the benefit of other towns.
2. See that bishops are capable men not bound to relatives who seek support from them.
3. Let a visitador ecclesiastico be appointed to remedy abuses: let him -
   a. Moderate excessive fees collected.
   b. Establish chapels among the natives.
   c. See that priests have the qualifications required by canon law.
   d. Inform himself about the monopolies employed in loaning at interest the funds of the capellanías (chapels and locality they serve) and other pious institutions.
   e. Demand that regular securities be shown for safeguarding the principal and interest of these funds.
   f. Should these remedies fail, let a fixed quota be paid to the royal treasury; the king should take back the diezmos (10 per cent duty on agricultural products paid to treasury - given to the cathedrals through piety of king); yet, no doubt if this were done, tax collectors would consume all by plundering, just as was done with the temporal estates of the Jesuits after expulsion.
   g. Forbid that one person hold many offices.
4. Let employment be found for the large number of clergy in the capital; because they were ordained for this territory they refuse to serve outside of it where curacies remain neglected and the Indians revert to barbarism.

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Regular State of Both Sexes
(Estado Regular de Ambos Sexas)

I. Although the regular clergy suffer from inanition they are of great service to the secular parishes where, otherwise, parishoners would be left without spiritual aid.

II. The public is disedified upon learning of the existence of undignified cliques among the religious who contend for power;

1. Under pretense of employing friars for converting and teaching the Indians, they bring them from Spain before their elections, merely to augment the European party in their midst, when it is feared that a Creole or a Mestizo may gain office.
2. The friars are not sent to the missions and it should be remembered that the expenses of the journey from Spain were paid by the royal treasury for that purpose.

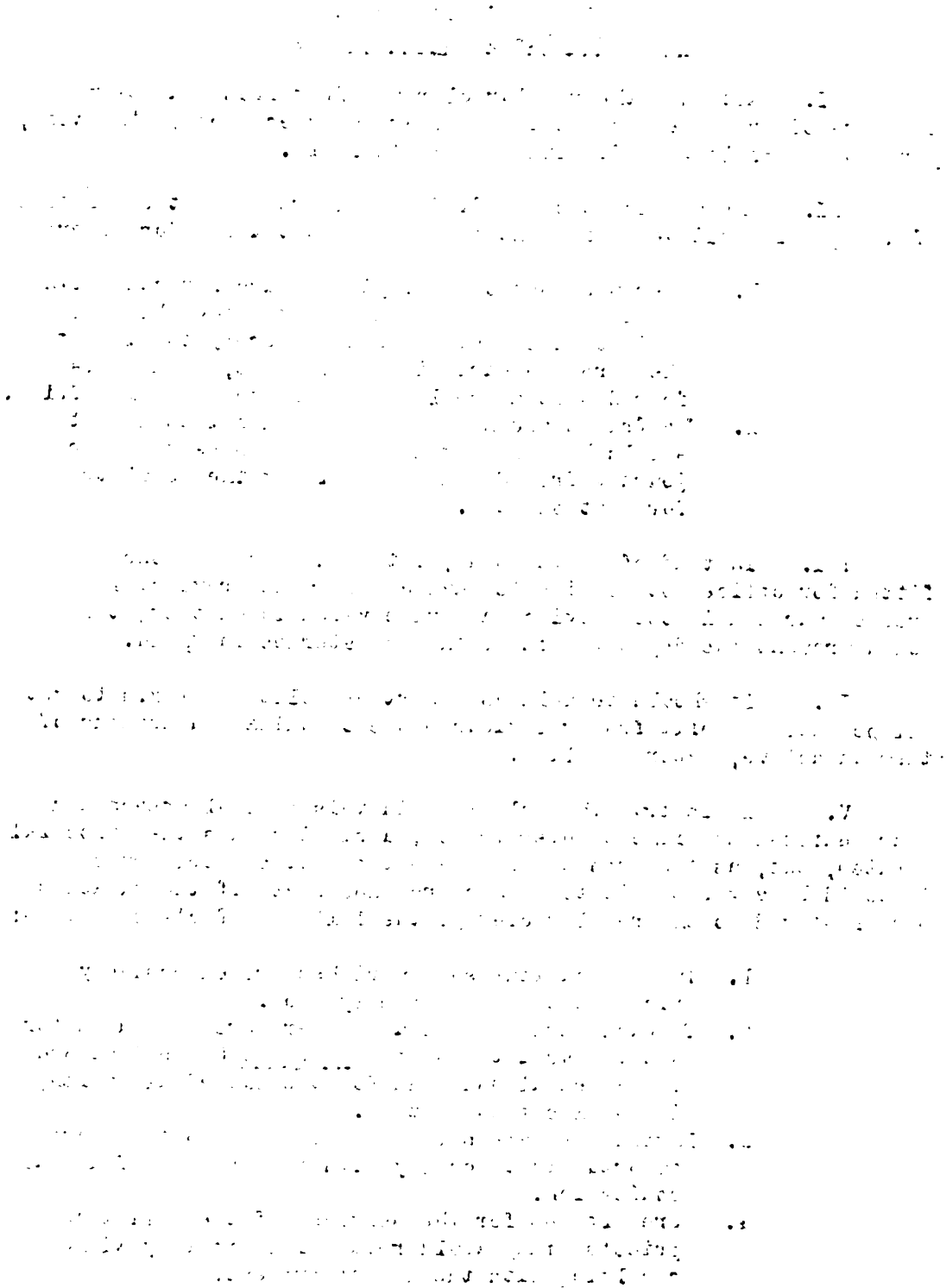
III. Instead of acting thus, let them elect the one best fitted for office not seeking to have an European provincial and a Creole guardian in one province and vice versa in another; this would prevent the depopulation of the monasteries in Spain.

IV. It should be held as a sort of political maxim to get all possible benefit from religious whose organization demands of them an active, laborious life.

V. It is true the religious in this capital preach and hear confessions without intermission, assisting thus the parochial curates, but, as the present arrangement cannot possibly succeed, it would be a great gain to both church and state if the curacies were restored to the regular clergy; the following facts show this:

1. In this capital some parishes are excessively rich and others extremely poor.
2. To each parish there are never more than a pastor and two assistants; the sagrario (chapel attached to cathedral and used for the cathedral parish) is an exception to this.
3. Parishoners are not instructed nor do they have an opportunity to comply with the precept of annual confession.
4. Were it not for the services of the religious priests, many would remain indefinitely without complying with the annual precept.

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5. It is quite clear that the religious are the true curas de almas while the seculars attend to the revenues.

VI. Without displacing all seculars, a suitable division could be made whereby the excess work of some curates could be shared with others, and, moreover, the income of parishes equalized.

VII. The good of the kingdom demands that the religious be restored to the parishes which used to be in this kingdom, and that ascetics and contemplatives also be employed thus for the good of society.

VIII. Since the regulars were removed from the towns great disasters have followed:

1. Churches, formerly suitable temples of God, have been allowed to deteriorate.
2. Indians, formerly good Catholics and civilized, are idolators and barbarians.
3. Indians once recognizing the mild yoke of the government, now scorn it.
4. Under the religious the Indians cultivated the land, now neglected.
5. Towns that maintained five or six religious cannot support more than a pastor and two assistants.
6. The religious spent in their towns the money they received and commerce grew; to-day it is spent elsewhere.
7. An investigation of curacies, made in November, 1775, proved that the establishment of confraternities, arbitrary festivals, and other artifices sought to obtain money from the Indians.
8. Some priests have been ordained younger than permitted by the Council of Trent and lacking the necessary knowledge and other qualifications.
9. Even those who are prudent, learned, and filled with the fear of God make it their greatest effort to find out the worth of their parishes in order to estimate the comforts they will reap therefrom.
10. Privileges and exemptions have ruined the Indians.

IX. For the great disorder that reigns there are two possible remedies:

1. Appoint as parish priests those who have had experience as assistants, and regulate that -
   a. They serve two or three towns if this can be accomplished faithfully.
   b. A certain amount should be fixed for their support

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to be paid by the Indians, and this - in order to prevent ecclesiastics from obliging Indians to contribute fees for their services at funerals, weddings, and feasts, which fees cause Indians to leave their villages to escape them, or give up their animals in payment.

2. The first remedy failing, there would remain another: without delay, in order to prevent the total destruction of the towns, assign the regular clergy to the parishes so that -
   a. The Indians may be restrained and civilized.
   b. Religious, being more numerous than seculars, can prevent the abominations carried on by the Indians in the mountainous regions.
   c. Confessions of the Indians will be heard regularly.
   d. The royal orders directed towards encouraging the Castilian language will be fulfilled.

X. In order that this recommendation may be carried out there are ten points which should be attended to:

1. Abolish ley 22, tit. 3, lib. VI of the Recopolación de las Indias that prohibits Spaniards and other castes from living in Indian villages, a barrier to the education of the native who needs example and also eye-witnesses to his conduct.
2. Take the Indians away from the inaccessible ravines where they practice all kinds of outrages.
3. Do not limit the Indian's land; give him all that is needed: let officials attend to the village lands, for they have been usurped by the nearby landholders.
4. Forbid Indians to leave their towns or settlements, and let alcaldes mayores and parish priests see that they return to their native towns all that they find in their jurisdictions: payment of tributs is escaped thus.
5. Suppress the number of offices in an Indian village.
6. Let the approbation of the alcalde mayor, as territorial judge, be sufficient to establish the authority of annually elected officers in the villages; Indians should not go to superior government for confirmation (merely an expense for enrichment of officials).
7. Let alcaldes mayores and parish priests take the census for collection of the tribute: it is needless to pay 75,000 pesos in the 146 alcaldías of the district of this audiencia for the register sent out by the fiscal every five years: if the intendants are established, then this duty will be attended to by them.

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8. Deprive ecclesiastics of the management of the estates of confraternities, for they are squandered; the products of these should be employed for ornaments and church expenses.
9. That the Indians may be brought back from idolatry quickly, let them be subjected to the court of the Inquisition for punishment, or establish an ecclesiastical judge in each province for the purpose.
10. A new code of legislation is necessary that the Indians may, by some severity, be reduced to a recognition of social order: gentle treatment makes them insolent: the effect of the reglamento, which obliged landholders to treat them gently, proves this, and shows how little those who make regulations understand the Indians.

XI. The secular clergy will offer objections to having the regulars in charge of the parishes, arguing that -

1. There are plenty of seculars to fill the positions.
2. The regulars are held to the observance of the rules of their institutes and should not leave their cloisters.
3. If removed from their cloisters for ministerial duties the religious will become relaxed in discipline.

XII. The arguments of the secular clergy are easily destroyed if we recall a few facts:

1. Is not the king pledged to offer efficacious means to teach the Indians the Gospel ?
2. When he sees the bad effects occasioned by the fateful and sorrowful transfer of the parishes to the seculars, can he remain indifferent ?
3. Is not the king solicitous that the Castilian language be taught in the schools ?
4. Since ecclesiastics, by virtue of their position, can exact obedience from the natives, why is this not utilized for the good of the state ?
5. Unless church and state agree, no favorable progress will be made.
6. If a few religious should prove faithless under opportunities for relaxation, they could be removed easily or corrected by the local superior, the provincial superior or even the general of the order; the seculars would not have this advantage as they are subject only to the diocesan.

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XIII. A more difficult objection to meet is that presented by the following:

1. The seculars and especially the bishops are opposed to having the regulars in charge of the parishes.
2. Bishops will probably waive the qualifications required by the Council of Trent for ordination, that they may have sufficient numbers to hold the positions.

XIV. These and other thoughts make me judge that it is more advantageous to employ the regulars in the parishes; aid may be furnished by the Council of the Indies without losing sight of the ten points set down herein; all that has been said regarding the administration of the secular clergy must not be applied generally, for there are many who fulfill their duties, yet they are few in proportion to those who do not. It is to be hoped that the government will take cognizance of the matter in order to apply the remedy needed to recover the Indians.

Convents of Nuns

XV. This portion of the religious body, with the exception of the Recollects, who depend upon charity, suffers from the same infirmities as the property - owning religious through bad management or unwise investment of incomes.

XVI. It is known that the nuns offer 4000 pesos as dowry upon their entrance into the convent; the income of this is sufficient for frugal support, the convent, according to its rules, being expected to supply the necessities to the community as a body.

XVII. This rule has not been observed; the individual takes from her income what is needed daily for herself and servants thus occasioning at the convent portals the bustle of a market-place; some maintain themselves in luxury while others almost die of need.

XVIII. It would not be out of place for the government, in virtue of its economic authority to look into this matter and regulate -

1. That administrators abuse not the authority placed in them.
2. That dowries be invested properly -
   a. For the support of the nuns.
   b. For the maintenance of divine worship.

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3. That such investments be not made in Mexico City where most of the dwellings already belong to religious orders, or pious foundations, or family estates, to the detriment of the public.

XIX. These and other disorders are caused by the lack of capable magistrates and a solid government in the various departments.

5

Suggestions for Improving Government of Mexico City (Enfermedades Políticas, parte 3, Tom. II)

A

Faults Arising from Negligence of Magistrates

I. In order that peace may reign and that a good policía may be organized in the City of Mexico, magistrates should familiarize themselves with the requirements for such, and regulate affairs accordingly: the laws should embrace -

1. Observance of holidays.
2. Government of fraternities.
3. Regulations for religious processions.
4. Mourning ceremonies and other institutions controlled by church and state.
5. Provision for unhampered administration of our Catholic faith.

II. All conditions necessary for the maintenance of public health, high standard of morals, and the general welfare of the inhabitants should be provided: the magistrates should oversee such matters as -

1. Public supplies.
2. Equalization of weights and measures.
3. Quality of marketable goods.
4. Cleanliness of streets.
5. A system for lighting.
6. Prevention of fire and destruction of property.
7. Arrest of vagabonds.

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III. None of these things are regulated, and Mexico remains without law or order although under the direct supervision of the viceroy and a corps of officials composed of a corregidor, 15 hereditary regidores, 6 honorary regidores, with a ministro togado at its head called a juez superintendente.

IV. Corregidores assemble and provide regulations which are never executed; the regidores neglect their duties striving to become popular for 5 years; the residencia is useless, as witnesses will swear that the out-going regidores did well in office.

V. Opportunities for incapable men to obtain office should be abolished; those obtaining positions by purchase or heredity do not fulfill their duties as is seen by the present condition of -

1. The recreation places, the walks, and streets.
2. Games of albures, bancas, and cockfights.

VI. A bad example is set by the existence of irregularities that are harmful to sacred things; that the illustrious prelate of the diocese or the vicar general is remiss in his obligations is shown by -

1. The unseemly conduct of the Indians during the procession of August 15th in the parish of Santa María.
2. The disrespect shown to the Holy Cross on Good Friday.
3. The lawlessness permitted on All Souls' Day.
4. The jesting and shouting of the crowds, and the robberies of Holy Week.
5. The drunkenness and disrespect witnessed in the procession of Corpus Christi.
6. The dishonor to religion permitted in the cathedral.

VII. The presence of the natives at these solemn rites is not to be forbidden, but they should be made Catholics or they will never become rational.

VIII. If neglect is so notorious in sacred matters what is to be expected in the secular policía where the object of every one is to invent extravagant pleasures ruinous to the public funds and the people, but profitable to the regidores ?

IX. To improve matters it would be well to adopt certain measures -

1. Take an exact account of the departments in the City of Mexico.
2. Take a record of the exhausted funds of the ayuntamiento.

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3. Formulate an ordinance prescribing amount for current expenses.
4. Take management of funds from the regidores.
5. If there is no change in the corregimiento, then elect some one capable of seeing that the suggestions of the corregidores are carried out: a man of letters should be preferred.
6. If the present system of regidores be continued, public deputy-attorneys should be elected annually to attend to -
   a. Food supplies.
   b. Streets.
   c. Cleanliness of the city.
7. Take great care in all these things that regidores cannot seize the public funds.

X. A general method of celebration should be established for August 15th, the festival of The Royal Standard in memory of the conquest, this would do away with -

1. Unnecessary expenditures.
2. Gifts.

XI. Bull fights, demanded by the city to make up the expenses of inaugurating the viceroys should be -

1. Reduced to one day instead of two or four weeks.
2. Given with less expense.

XII. It would even be better to refuse the city money to conduct these because -

1. Many families are ruined by the expense.
2. The regidores get the money by renting over and over again the seats built for the spectators.

XIII. Without depriving the people of the amusement, certain conditions might be adopted -

1. Construct from the city profits a permanent plaza in one of the suburbs of the city and do away with the renting of lumbreras.
2. Reserve seats for the viceroy and his family.
3. Do not give reserved seats to the ministros togados as they would rent them for profit.
4. The same may be said of the city board.

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5. A fixed price should be set for the lumbreras.
6. Distribute complimentary seats to no others besides the viceroy and the municipal council.
7. Let the proceeds, after formal auditing is done, be applied to public use for highways, gates, canals, prisons.

XIV. Other matters conducive to establishment of a good policía should receive consideration:

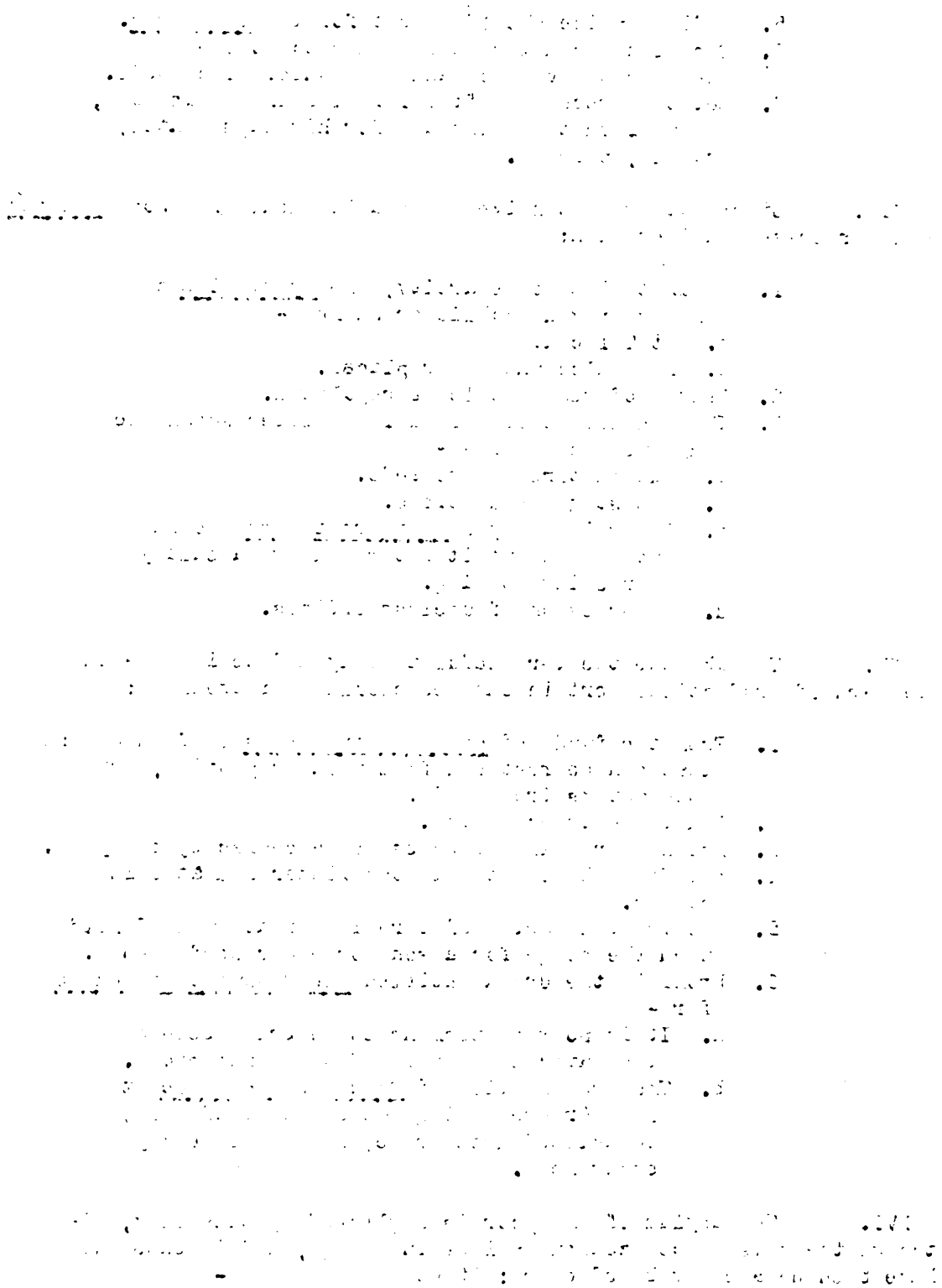
1. Against times of scarcity, the ayuntamiento should provide public granaries -
   a. At Tolucca.
   b. At Chalco and other places.
2. Prices of meat should be regulated.
3. The management of the public theater should be improved as regards -
   a. Expenditure of proceeds.
   b. The stage productions.
   c. Supervision by a ministro togado who knows nothing about it but who draws a salary for doing nothing.
   d. Suppression of useless offices.

XV. To make the theater useful to many and to improve the standard of productions certain changes should be introduced:

1. From the funds of proprios arbitrios or from others that can be restored from theater profits, bring good actors from Spain.
2. Fix the entrance price.
3. Prohibit renting of boxes or balconies by the year.
4. Let drama begin at 5 in the winter and at 6 in summer.
5. Abolish the custom of throwing great sums of gold upon the stage for a song or other performance.
6. Prohibit the drama entitled The Conquest of Mexico for -
   a. It is poor statesmanship to bring before the natives the ruin of their ancestors.
   b. The presentation of Conde de Superande at Lima (representing the conquest of Peru) occasioned great rage, and the same may occur here.

XVI. The asylum of the poor is neglected by this city, although there is a good zealous priest in charge, and immense sums have been donated by benefactors: it would be better -

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1. To associate with this benefactor a body of men composed of -
   a. Other ecclesiastics.
   b. The corregidor.
   c. Two regidores, or
   d. Rich merchants kindly disposed.
2. To have a system drawn up and followed in order that -
   a. Funds may not be wasted.
   b. Those truly needy may be harbored in the asylum rather than the lazy, good-for-nothing,
   c. That some useful employment may be given to the inmates.

XVII. For the government of the institution plenty of ideas can be drawn from -

1. The pious work by Ward.
2. Examples furnished by the cities of Spain.
3. The reglamento drawn up by Sr. Don Manuel del Castillo y Negrote for erection of an asylum in Manila in 1779.

XVIII. For improvement of the city and the happiness of the people, attention should be directed to -

1. The paving and lighting of streets.
2. Repair of damages done by coaches, for which owners of equipages should be taxed.
3. The restriction of luxurious display that creates rivalry so ruinous to families.
4. Prevention of reckless driving in the streets.

XIX. To restrain expenditures for luxuries it would be well -

1. To read what has been written on this subject by -
   a. Salcedo.
   b. Navarrese.
   c. Saavedra.
   d. Tajardo.
2. To form a reglamento permitting expenditure of money only in proportion to rank or income.

XX. This unfortunate capital is certain to go to ruin unless Providence raises up a man like Don Bernardo Cantero to organize all the departments.

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XXI. A veritable robbery is carried on by coachmen and liveried servants in the exaction of fees, for -

1. The amounts they receive are spent in excesses harmful to the state.
2. They are exempt from taxes and yet they receive salaries.
3. There is an average of 5 liveried servants to each family: thus so many are exempt from annual tribute.
4. The royal treasury is defrauded of 7,644 pesos annually.

B

Root of Prevailing Disorders

XXII. Of the immense population of the City of Mexico countless numbers are vagabonds - at least 40,000: there are manifest causes of this:

1. Cigar factories are worked by a horde of men and women foreign to the city (7,000 or 8,000).
2. Numbers aid in making provisions scarce.
3. So many families deserting the pueblos have ruined them and destroyed agriculture.

XXIII. The situation could be remedied by adopting the following plan:

1. Let a census of this class be taken in the City of Mexico.
2. Give these people positions in the factories in preference to outsiders.
3. See that the outsiders return to their pueblos and to agricultural pursuits: include in this, those who come to the city to enter the service of the grandees supporting their lazy relatives (who follow them) on what they steal from their masters.

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XXIV. To clear the capital of drones certain measures should be employed:

1. Let the magistrates issue an edict ordering all without permanent occupation to return to their towns.
2. Wall the city.
   a. To prevent smuggling.
   b. For the safety of the royal revenues.
3. Keep a register of all the inhabitants in order -
   a. To ascertain their profession, the number of servants, and others in their houses.
   b. To provide them work.
4. Make a list of tradesmen, artisans, workers in bakeshops and tanneries.
5. Fine overseers and alcaldes who do not report the robberies and crimes of workmen.
6. Leave outside the walls, the wards of the Four Winds with a judge in each to see that these people are subordinated to the alcalde or the corregidor of the nearest district and to keep treasury accounts.

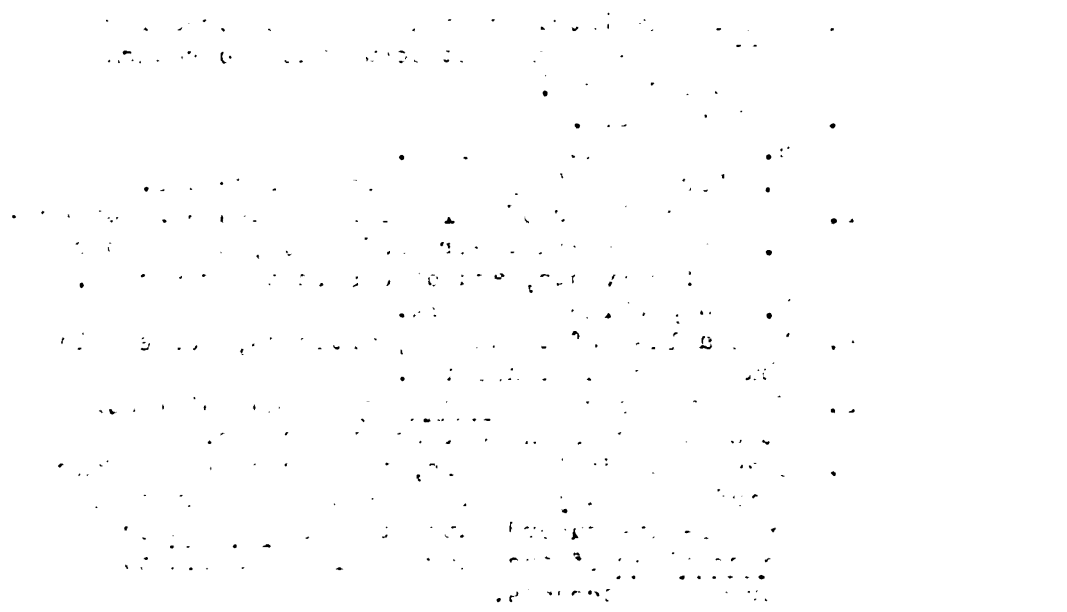
XXV. The plan for presidios formulated in 1772 and adopted for the Provincias Internas has some disadvantages and the enemy threatens the capital itself:

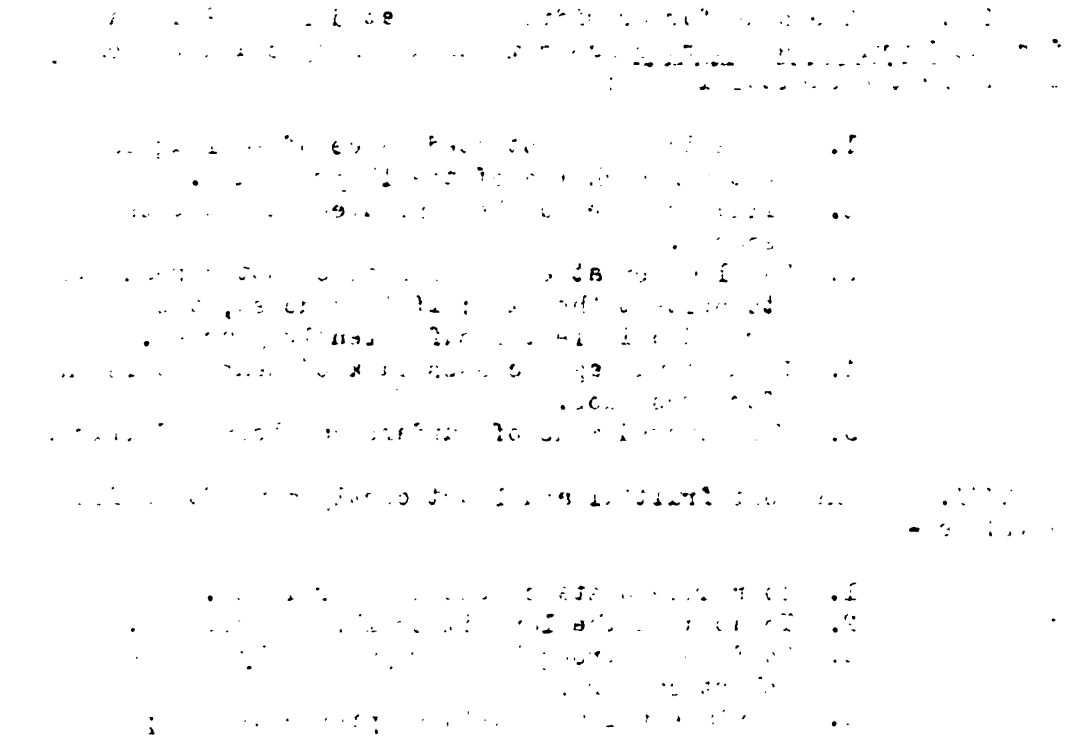
1. There is an unprotected space of 40 leagues between each two of the 15 presidios.
2. Villages have not been planted within these spaces.
3. The 100 men at each presidio cannot spread out to protect the line: if they do so, the presidio is left insufficiently guarded.
4. Lack of villages causes lack of near provision for presidios.
5. The changed mode of warfare has been a failure.

XXVI. The most fruitful and least costly move for defense would be -

1. To reduce distance between garrisons.
2. To abandon the land impossible of defense.
3. To form a strong barrier guarded by guns of short calibre.
4. To place villages between presidios and populate

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them with those who ought to be removed from the capital.

XXVII. This plan failing, another remains -

1. Divide the provinces and place in each division comandantes with equal salaries - men who know the land.
2. Subordinate these officers to the viceroy, for experience has shown that disadvantages follow their separation from the viceroyalty.
3. Also form another viceroyalty in Durango, Chihuahua, Arispe, or another place.

XXVIII. Another viceroyalty would be of great benefit in many ways:

1. Lands would be peopled and cultivated.
2. Indians would be reduced.
3. Lands would yield profits lost to-day owing to vastness of territory ruled by one viceroy.
4. Treasury would profit -
   a. By mines that could be restored.
   b. By working of fields.
   c. By founding of towns.
   d. By expenses saved on conveyance of silver if a mint be established at Durango or Chihuahua.
   e. By building up of cattle-ranches destroyed by Indians.

XXIX. Much poverty can be prevented if the laws regarding pulquerías be observed and if others be enacted:

1. See that the number is limited to 36 according to ley. 37, tit. 1, lib. 6.
2. Regulate the hours, time, and place of permitted sale.
3. Let public interest be directed to improvement of morals rather than to augmentation of royal treasury by duties on sale of pulque.
4. Rather let the care of the government go to cultivation of cereals and other products useful to the state.

XXX. Magistrates should enforce laws against games of albures, bancas, and bisbises, prevent gambling and frauds practiced at cock-fights, and check the evils resulting from the existence of the baratillo (pawn shop).

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XXXI. It is to be hoped that some fiscal will denounce the conduct of those magistrates who neglect the policía in the towns of this kingdom.

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VII

THE NEW SYSTEM OF GOVERNMENT

1

The Intendancies Established in 1787

Royal approval was granted to a plan drawn up by José de Gálvez and Viceroy de Croix, and presented to the king in 1768. This provided for a reorganization of the government of New Spain according to the administrative system which had been successfully employed in the peninsula since 1749. It is probable that Viceroy Bucareli hesitated to introduce a change providing a government differing so greatly from the one in operation; he thought that a gradual reform would be necessary to assure its stability. However, with very few preparations having been made, a royal ordinance of December 4, 1786, commanded the reorganization.

Among the measures taken by Philip V to further centralization of kingly power, was the adoption, in 1718, of the French system of intendancies. This was suppressed within a short time but revived, in 1749, and rendered productive of good results to Spain.[1] In the colonies the system had been partially introduced

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1 The story of their development in France is briefly told: "An even more effective instrument of royal control was ...

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created in the form of the intendants. Dating in their beginning from the middle of the sixteenth century, reintroduced by Henry IV in his reconstruction of France after the religious wars, these officials were settled upon by Richelieu in the period between 1624 and 1641 as the principal agents and representatives of royal power. Eventually each province had its intendant alongside of the governor, and these thirty-four officials exercised the real government over France.... They exercised powers only by consent and direction of the crown; they were, therefore, absolutely dependent. On the other hand, they were habitually invested with powers of almost unbounded extent. They could withdraw cases from the ordinary judges and hear and decide themselves; they recruited and organized the army; they had oversight of the churches, the schools, roads, canals, agriculture, trade, and industries; they must see that peace was kept; and they must watch over and report on the actions of all other royal officials in the province, including the governor. It was the intendant who made the despotic government of the king a reality" (Cheyney, E. P., European Background of American History, 1300-1600, 117, American Nation Series).

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by way of experiment, in Havana (1764), Venezuela (1767), Sonora (1768), and La Plata (1782). As the trial inspired confidence, José de Gálvez, as minister of the Indies, urged its adoption throughout New Spain.

The original plan of 1768 had called for eleven intendancies-one, general in its powers, was to be for the City of Mexico, and the remaining ten were to be located in the provinces, at Puebla, Oaxaca, Mérida, Valladolid de Michoacán, Guanajuato, San Louis Potosí, Guadalajara, Durango, Sonora, and the Californias. The officials governing these divisions were to be under the viceroy as superintendent general of revenues. Along with the intendants there were to be in the capitals political governors, corregidores empowered to name subdelegados in the larger pueblos; the two intendancies of Sonora and the Californias were to be under a

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comandancia-general.

The plan was not carried out as proposed. The decree of 1786 ordered twelve intendancies, those of Mexico City, Puebla, Vera Cruz, Mérida, Oaxaca, Valladolid, Guanajuato, San Louis Potosí, Guadalajara, Zacatecas, Durango (for Sonora and Sinaloa), and Arispe: the Californias were not included; each division was to have as its head a gobernador intendente. The city where these officers resided, as well as the larger towns, were to be ranked as corregimientos. Alcaldes mayores were to be abolished and subdelegados, alcaldes ordinarios, and asesores were to take over the work formerly done by them. The chief intendant (intendente general de ejercito y provincia) was to be superintendent of real hacienda, and reside in Mexico City. This officer with his junta superior was to attend to the fiscal administration.

As soon as the Ordinance of Intendancies was received in Mexico, the new government was initiated by the viceroy, Doctor Alonso Nuñez de Haro y Peralta. In the sixth treatise of his Enfermedades Políticas, which is signed July 1, 1787, Hipólito Villarroel says that "there was great excitement on May 6th of this year" because the Ordinance was brought by the mail ship that had just arrived. As the new viceroy was expected, at the same time, interest waxed high in Mexico City, and conjectures were made concerning appointments to office and the merits or demerits of the new system which was going to be enforced. The content of the

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first part of Villarroel's discourse indicates that July 1,1787, was the true date of its composition. Following the chronology of events furnished by Bancroft, it is quite clear that the change of government was well under way before the arrival of the fifty first viceroy, Manuel Antonio Florez.

When Viceroy Bernardo de Gálvez died on November 30, 1786, the audiencia took formal possession of the government until a royal appointment of February 25, 1787, named Doctor Alonso Núnez de Haro y Peralta, archbishop of Mexico, temporary viceroy. He took possession of his office on May 8, 1787, two days after the date given by Villarroel for the arrival of the Ordinance. The archbishop was replaced August 16, 1787, by his successor Manuel Antonio Flores. During this short period he "resolved the difficult matters of the intendancies from which much benefit to the native race was expected. In this he encountered some trouble, but managed to calm the excited passions of those whose interests were injured by the innovation."

The following account of the meeting between the two viceroys shows that the important changes indicated in the Ordinance were already made when Viceroy Florez took his position August 16, 1787:

> On the 21st (August 21,1787) the late viceroy was closeted in consultation on public affairs with Florez nearly three hours. ... Viceroy Florez had filled the same position in Santa Fé de Bogotá, and was therefore familiar with its powers and duties; but in Mexico he found a complete change in the system of

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> administration, owing to the establishment of the intendencias and the creation of a superintendente delegado de hacienda in the person of Fernando Mangino, former chief of the mint, by which the viceregal functions had been very much curtailed, in fact, reduced to but little else than presiding over the audiencia, and directing military matters. Without complaint, however, he devoted his attention to this latter branch of the royal service, introducing many improvements, and employing the forces to the best advantage.

According to Villarroel, much confusion attended the initiation of changes owing to the undue haste with which intendants took their positions, and appointed subordinates without waiting for royal orders. Bancroft says that several of those officers appointed for the provinces arrived early in 1787, and that a royal order of October 25, 1787, required such officials to produce their commissions to the viceroy who would endorse them, place the appointees in office, and notify the audiencia of the fact. The intendants were expected to inform the viceroy of the persons appointed by them as sub - delegados, and these were also to be made known to the audiencia. The appointments made between May 6, and October 25, 1787, are probably the subject of Villarroel's complaint. [2]

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2 Bancroft, History of Mexico, III, 450-460, 465.

The criticism of the Reglamento presents a gloomy outlook, yet Villarroel was right in many points as the new system was not a

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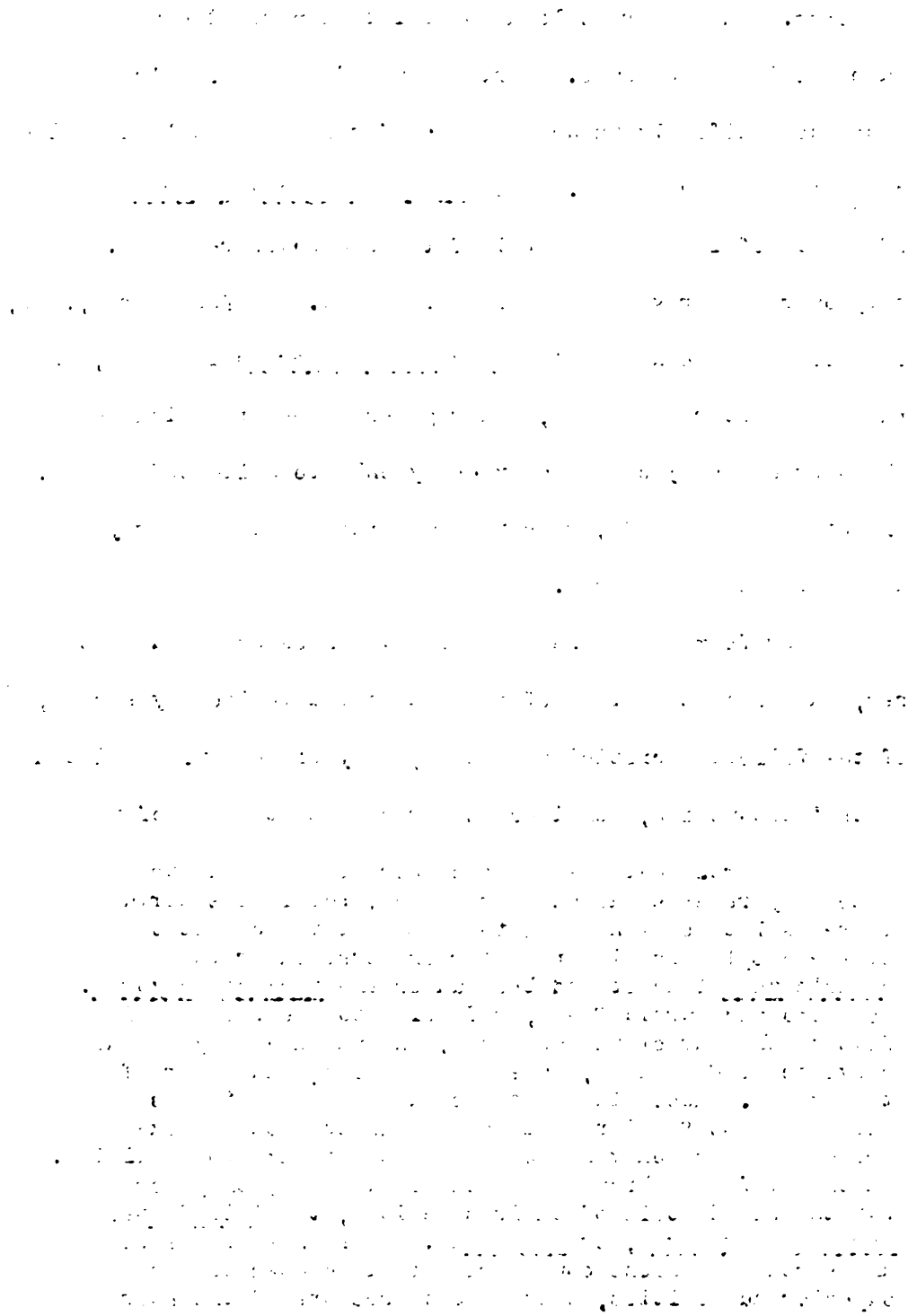
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great success. In answer to loud complaints important changes were made within three years. Curtailment of the viceroy's functions was manifestly an unwise move, for subsequent legislation tended to restore his powers. The superintendencia general was annexed to his office, and control of the exchequer returned. Greater authority over the provinces was restored also. On December 3,1787, Viceroy Florez had separated the Provincias Internas into two, an eastern and a western division, under generals entirely independent of each other and subject to the viceroy only to a limited degree. A cédula of March 11, 1788, made the authority of the viceroy absolute over these divisions.

The new form of government, although possessing many good features, was subject to the defects that characterize any system, and, if the following criticism be true, many of the evils existing before its introduction, remained uncorrected to the end of the period.

> Throughout the whole country the system was generally regarded as an improvement; but in the north there is little or nothing to show that the condition of the people was either better or worse under the subdelegados than it had been under the alcaldes mayores. Escudero and Garcia Conde, referring to the whole period down to the war of independence, and particularly to the province of Chihuahua, have nothing to say in favor of the system. According to these authors, the offices were given to Spaniards without qualifications or experience, whose only aim was to better their own condition. In the different branches of their authority they were but the blind tools of their superiors, the intendente, comandante general, or audiencia. Friends of the rich and strong who alone could bring their causes before the superior authorities, they were oppressors of the poor

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and weak, neglecting official duties, and attending to their own private interests. The ayuntamientos exerted a beneficial influence, but they were few and of limited powers. These strictures, however, arise largely from republican opposition to the Spanish monarchical rule as a whole, and are not specially applicable to the later as compared with the earlier period of Spanish domination. 3

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3 Bancroft, History of the North Mexican States, I, 640, 644-645.

2

The Functions of an Intendant

A classification embodying an explanation of the duties belonging to the office of intendant has been furnished by Donald E. Smith in The Viceroy of New Spain. A brief summary of his exposition will make clear the aims of the new government.

The intendant presided over four departments known as causa de justicia, causa de policia, causa de hacienda, and causa de guerra.

In the performance of duties belonging to the causa de justicia, the intendant was aided by an asesor letrado, an adviser who could assume all the powers of the office in case of sickness or death of the intendant, and who could be removed from his position of asesor only with the approval of the king or the Council

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of the Indies. The only appeal from the asesor was to the audiencia of the province.

The intendant acted as mayor of his capital, presided over the ayuntamiento, was responsible for good order in his province, and owed particular care to the Indians. It was his duty to have his district inspected regularly, that law might be enforced therein, and that agriculture, commerce, and the development of mines might receive encouragement.

All injunctions coming from the junta superior of Mexico pertaining to municipal funds of the Spanish cities and towns, and the communal property of Indian pueblos were to be enforced by the intendant in his province. At the beginning of each year, he was to send a statement of finances to the auditing department (contaduría general) of the real hacienda at Mexico City where it would be tabulated for the inspection of the junta superior and sent to Madrid. To prevent corruption in minor offices, the intendant was advised to keep the regents of the audiencia informed; and, in cases of necessity, he was to communicate directly with the king.

To aid the establishment of good policía the intendant was expected to furnish a map of his area giving topographical details. He was to report upon climatic conditions, natural productions, and the state of transportation facilities. It was his duty, also, to attend to the division of lands and to encourage agriculture, commerce, and the industries. Reports of the crops were to be

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made out four times annually. To the causa de policía belonged everything pertaining to public morals, the protection of coinage, the administration of public granaries, and the general welfare. Proper officials were to attend to criminals, vagabonds, and beggars.

Duties belonging to the causa de hacienda were of great importance. The intendant was judge in all cases belonging to the royal treasury, the only appeal beyond his decisions being to the junta superior at Mexico. Royal decrees concerning hacienda were to be enforced by the intendant.

This officer with his family and servants enjoyed the privilege of the fuero militar. The intendant and all officials of the hacienda were to receive good salaries but to engage in trade was forbidden them.

The annual statement sent to the junta superior furnished a list of all sources of income such as the alcabala, the tribute, ecclesiastical revenue, mesadas, cruzada, and montepíos. Also were listed the expenditures including those under real hacienda, political, ecclesiastical, and military outlays, perpetual and temporary pensions.[4]

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4 The chief sources of revenue were the tribute, the alcabala, pulque, the monopolies of powder and playing cards, the taxes on mercury and paper, the medias-anatas, the lanzas, the royal fifth on metals, the santa cruzada, the tithes, the episcopal fourths, and the royal ninths (Smith, D.E., The Viceroy of New Spain, 267-268).

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The department of causa de guerra imposed upon the intendant the duty of maintaining the provincial army at all times. He was obliged to equip, and drill the military forces of his district, and to review them every month. All that pertained to the commissary department with its countless details also belonged to his office.

The twelve divisions over which the intendants ruled exhibited great disproportion in area; some were small while others were unduly large. The duties of the four departments furnished a wide scope to the powers of an intendant within his own territory. The greatest obstacle to the success of such an officer was, perhaps, the multiplicity of duties scattered over so wide an area. A larger number of such officers might have rendered the new system productive of better results.[5]

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5 Humboldt, Alexander von, Political Essay on the Kingdom of New Spain, I, 282-284; Smith, D. E., The Viceroy of New Spain, 260-270.

3

A Criticism of the
Ordinance of Intendancies
by Hipólito Villarroel
(Enfermedades Políticas, parte 6, Tom. IV)

Introduction

I The plan of the intendancies aims to strengthen the state -

1. By good administration of justice.

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2. By proper regulation of policía.
3. By direction of commerce.
4. By religion (which is most essential).
5. By the efficient administration of the sources of royal revenue (which is its chief object).

II. This is no more than the kings of Spain, animated by upright intentions, have always tried to do ever since the acquisition of these dominions, but results may not have corresponded to the efforts because -

1. Obstacles stood in the way.
2. Individual interest hindered achievement.

III. Many years ago, in spite of wise laws, religion began to decline in this kingdom, there being many delinquents -

1. Even in the capital and large cities where religion was most firmly rooted.
2. In other places where the religious advantages were not so great, or entirely absent.

IV. As an outcome of widespread indifference, many evils fixed themselves upon this kingdom, there to remain uncorrected:

1. Religion was undervalued.
2. Justice became a mere name.
3. Good policía was ignored.
4. Commerce was abandoned.
5. Iniquity, injustice, bribery, prejudice, vagrancy, intoxication, robbery, swindling, and other vices became rooted.
6. Departments of policía in the City of Mexico became useless.
7. Unreasonable prices remained unregulated, and starvation resulted.

V. In recent years, attempts made to improve the royal treasury were successful:

1. The mining industry was advanced.
2. Methods of collecting revenues were well organized.

VI. Some methods employed in raising the royal revenues to a high figure caused complaints:

1. The treasury of the crown was often invested in

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badly managed projects such as -

a. Those for manufacturing.
b. Those for cultivation of flax and hemp.
c. Those for quicksilver.

2. Many sources of revenue were incorporated by the crown, thus injuring private individuals.
3. The abolition of the encabezamiento (which provided a satisfactory method of collecting the alcabala) gave offense politically, as it was detrimental to commerce, for -
   a. Tax collectors, allowed 14% on the total receipts, became very exacting in order to increase their profits.
   b. Merchandise was smuggled more and more: especially French goods were brought in by way of Verz Cruz.
   c. Such trade became a drain to the kingdom, carrying off its money.
4. Pulque, the sale of which should always be restricted, became a source of revenue to the crown, producing one half million, annually, to the royal treasury: this gave offense morally as millions of crimes resulted.
5. Although the management of the revenues was satisfactory, particularly in the accounting system, too many officials were employed.

A

The Arrival of the Reglamento de las Intendencias on May 6, 1787

VII. This was the unhappy state of the kingdom when, on May 6, of this year, the arrival of the Reglamento de las Intendencias was announced just when the new viceroy was expected.

VIII. Imponderable commotion reigned as all were eager to hear the Instrucciones in order to -

1. Estimate their utility or harm.
2. Observe the truth or falsity of the rumors regarding appointment of new officers.

IX. A rule of the Reglamento provided that the king should appoint subordinate officials.

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X. The general-intendant, contrary to law, took possession of his office and selected his own subordinates without waiting for royal orders.

XI. Initiated thus, in violation of law, the new government aroused conflicting opinions:

1. Some favored it.
2. Some declared it unsuited to the country.
3. Some thought the new viceroy, who might come with instructions of his own, could adapt the Reglamento to conditions.
4. After copies of the plan were circulated, nearly all the people predicted the complete subversion of the kingdom under the new government.

XII. As the increase of the royal treasury was the primary object of the Reglamento, it provided new sources of revenue: these deserve a careful study.

B

The Validity of the Reglamento

XIII. If the Reglamento provided measures to correct the existing evils in New Spain, its principles would be upheld, but it has not done this, and it is difficult to believe that the Catholic king passed the law with full knowledge of it, for -

1. It is not in accord with
   a. His religious spirit.
   b. His desire for justice.
2. It looks as though he were moved to give his signature in order to make the government uniform with that of Spain.

XIV. We must remember that he who makes the law, has also power to revoke it.

XV. The creation, modification, restriction, or revocation of a law, however, demands certain definite proceedings, such as -

1. Review by the fiscal.
2. Resolution of the Council.
3. Consultation of Council with the king.
4. Approbation.
5. Publication.

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XVI. It is unbelievable that these rules were adhered to in the promulgation of the Reglamento which has caused -

1. General confusion.
2. Unhappiness to the people.

XVII. A study of the Reglamento shows that the king failed to observe the necessary procedure demanded by the Laws of the Indies, for -

1. His ministers were not consulted.
2. The happiness of the people was not considered.
3. Diversity of regions was not provided for.

XVIII. These requirements lacking, and oppression and suppression resulting from the new legislation, is not the Reglamento void ?

XIX. Partisans of the new plan oppose such a conclusion arguing -

1. His Majesty approved the plan after receiving all information available at the time.
2. Even though steps and formalities were lacking, the legislator is the judge of the creation and the revocation of laws.
3. To dispute this is to oppose royal authority.
4. The new laws are fixed, valid, and stable.

XX. These arguments have no force in our case because -

1. Our constitution is not like that of other kingdoms.
2. Our laws are not dictated by despotism.
3. Our learned ministers have been given full legislative authority and the kings have always relied upon their counsel.
4. The Americas have been successfully governed thus, for two centuries.

XXI. Either the Reglamento is of value or it is not:

1. If it is of value why was it not presented to the Council for inspection ?
2. If it is not - why was its establishment hastened ?

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XXII. Society has suffered by the change wrought in the government of New Spain and the oppressive nature of the Reglamento is manifest:

1. The viceroy's powers have been restricted.
2. Justice has been weakened -
   a. By the abolition of the channels necessary for its administration.
   b. By the astonishing liberty granted to the Indians.
3. Commerce has been injured.
4. Royal revenues have gone to maintaining a band of useless collectors.
5. Ecclesiastical revenues have suffered by the abolition of the Casa Diezmera (in favor of the royal treasury).

XXIII. To understand the provisions of the Reglamento, it will be well to consider it, point by point, and study its effects.

C

Four Points of Criticism

The Viceroy

XXIV. The Viceroy, who has acted, since 1588, in the capacity of governor, captain-general, and superintendent of real hacienda has been reduced to a mere figurehead, for -

1. Politically, he has been reduced to the level of an alcalde ordinario, for -
   a. The superintendency of real hacienda has been transferred to the superintendent-general.
   b. The collection of revenue has been intrusted to the intendants.
   c. His military powers have been transferred to the intendants who are assisted by their subordinates, the subdelegados, who have replaced the alcaldes mayores.
2. His office has been robbed of all dignity and no one will care to serve under him.

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Justice

XXV. The alcaldías have been provided with a new government by article 11 of the Reglamento which abolishes the system operating according to -

1. Lib. V, tit. 1, 2, and 3.
2. Lib. VI, tit. 1, 2, and 4.

XXVI. The present system provides -

1. Asesores letrados to assume the duties of the alcaldes mayores:
   a. To hear suits of litigants.
   b. To pass judgment in civil and criminal cases with appeal to audiencia.
   c. To have salary of $1500 and to be subject to the residencia.
   d. To have privilege of collecting fees from litigants.
2. That alcaldes ordinarios, subordinate to the intendant, are to administer justice in Spanish ciudades, villas, and pueblos (not provided with these officers up to the present).
3. Subdelegados are to take the places of the lieutenants of the alcaldes mayores in the main Indian towns.
4. The city where the intendant resides is confirmed as a corregimiento, and others are to be erected as such.

XXVII. The government of the alcaldías was bad enough under the old system, for -

1. The group of Indian villages under an alcalde mayor was in a terrible condition.
2. Even after the sale of offices was abolished, corruption continued.

XXVIII. Conditions under the new system are worse, for -

1. An asesor letrado cannot attend to six or eight jurisdictions when an alcalde mayor before him could not manage one.
2. An alcalde mayor had the Indians in sight compared to the size of the capital of an intendant.
3. Greater distances than ever must be travelled to

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secure justice.

4. More swindling and robbery exist in the courts of the capital and in the territories than ever before.
5. When justice was the only concern of the alcaldes mayores, the result was bad; but now, subdelegados, intrusted with justice in the Indian towns, are given 5% for the collection of the tribute, and they pay more attention to what brings profit.
6. The absolute freedom given to the Indians has made them worse, and those who know them understand the extent of their malice and animosity towards all men.
7. The small salary of the asesores letrados prevents many from desiring the office: others who are willing to strip the vassals by fees will accept.
8. The creation of more alcaldes ordinarios does not help matters for they are not men of desirable character and justice is not improved.

Commerce

XXIX. There are contradictions in the Reglamento because it is impossible to reconcile -

1. Article 12 which abolishes the repartimiento system, and
2. Articles 61, 62, and 63 which order intendants to encourage agriculture, industry, and commerce without making loans to the Indians.

XXX. Alcaldes mayores have been abolished because the repartimiento system was considered harmful to the vassals: by it -

1. The alcaldes mayores supplied to the Indians, in advance, all that was necessary to agriculture and cattle-raising.
2. Indians, who never work unless compelled to do so, were obliged to plant and harvest crops to repay sums loaned.
3. Some alcaldes, it is true, were extortioners.
4. According to this method, Indian labor produced all that this kingdom consumed.
5. In Oaxaca the Indians received annually 1,000,000 pesos with which to cultivate and harvest cochineal.

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XXXI. It is well to remember -

1. That an edict of March 23, 1785 decreed-
   a. That Indians should not be obliged to work.
   b. That credit for more than 5 pesos should not be given them.
2. That the results of this edict were so disastrous that planters had to appeal to Spain for justice.

XXXII. According to the present Reglamento, no government aid is to be advanced to the Indians, yet

1. Intendants are to encourage the cultivation of cochineal, flax, hemp, cotton, and to protect mining, industry, and commerce.
2. They are to see that Indians are alloted the necessary lands.
3. Indians are to have the animals,and tools needed for their work.
4. Indians are to be left free to buy their own tools and animals and to enter into competition with other castes.

XXXIII. Those who understand Indians can predict the results:

1. Indians would not work willingly to repay loans of supplies under the old system, will they do better when allowed to follow inclination under the new ?
2. In Oaxaca, where cultivation of cochineal has flourished under compulsion, Indians have grown rich but they have always buried their money, advancing not a step in civilization: with the liberty offered them in article 6 of the Reglamento, in a few years there will be no cochineal in Oaxaca.
3. The whole kingdom, which depends upon Indian labor for its products, will not have even enough for its home consumption.
4. When intendants issue orders for the cultivation of cochineal, hemp, flax, and cotton, their commands will not be heeded.

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XXXIV. As cattle-raising will not prosper under new conditions industries will be ruined:

1. The sugar industry will decline because mules, that take the place of water power, will be lacking.
2. Mining will decline because teams cannot be supplied.

XXXV. Had these measures been introduced, step by step, years ago, instead of all at once, the kingdom might have been in a better condition at the time of the visit of José de Gálvez.

Revenues

XXXVI. The ruin of the royal treasury is inevitable, because -

1. The principal source of wealth to a state is lacking - diligence of its people.
2. Even where diligence has worked the mines, the supply of silver obtained has -
   a. Enriched foreigners.
   b. Impoverished Spain.
   c. Left the workers more beggars.
3. Salaries obtained by workers have been squandered.

XXXVII. The first object of the Reglamento is the increase of the royal revenue keeping in mind two aims:

1. Zeal for the king and the nation.
2. Desire to fill the coffers emptied on August 13, 1779, to pay debts incurred during the last war: this payment exhausted this kingdom but enriched France.

XXXVIII. The royal treasury will lose much -

1. By paying the jueces subdelegados 5% of the gross receipts of the tribute collected by them.
2. By paying the Indian governors 1% of the same.
3. By paying out salaries to accountants who use the double entry method of bookkeeping instead of the old and simple one.
4. By abolishing the repartimientos, for -
   a. Animals will not be sold and the alcabala

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will be lost annually on 10,000 or 12,000 mules, the usual number sold.
b. Tribute will not be paid, as the Indians will say they have nothing to pay it with.

XXXIX. Much more might be said about the Reglamento but it is better unsaid.

D

Measures That Should Have Preceded the Reglamento

XL. Because all attention was directed to getting gold and silver out of this kingdom, the sources of permanent wealth have been neglected for centuries.

XLI. Eleven measures should have been adopted, long ago, in order to prepare the way for all that is demanded by the Reglamento:

1. The Indians should have been placed under the charge of the regular clergy -
   a. To learn Catholicism.
   b. To be taught political principles under the friars.
2. The Indians should have been removed from the rugged mountains and made to live in towns well-located so as to embrace many of the pueblos.
3. Parishes should have been reduced in size.
4. Indians should have been taught -
   a. Obedience to orders of God and His ministers.
   b. Respect for property of others.
   c. Obedience to authority.
5. By means of allotments of land Indians might have been induced to stay in the towns which could have been made by uniting 200 families; a parish priest should have been furnished to every one or two towns.
6. Indians should have been obliged to wear the balcarrota (locks of hair at side of face) to distinguish them from other castes.
7. Pulquerías should have been controlled and

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Indians kept from intoxication.

8. The Laws of the Indies, Leyes 21 and 22, tit. 3, lib. VI, should have been abolished: Spaniards living among Indians would have helped to civilize them.
9. As to-day for every 100 landholders there are thousands who have no land, some provision should have been made whereby owners of haciendas acquired by composition (squatter's title finally recognized) -
   a. Would be induced to give up their excess land.
   b. Confer upon the state their uncultivated land.
10. The use of so much tillable land, outside the capital, for the cultivation of maguey should have been prohibited, because
   a. Drunkenness resulted from the sale of pulque.
   b. Prices on food became high on account of great distances to other fields beyond.
11. Hundreds of depraved people should have been removed from the capital, and employed on battleships so that -
   a. Spain would not be depopulated to man our armadas.
   b. Our kingdom would be purified.

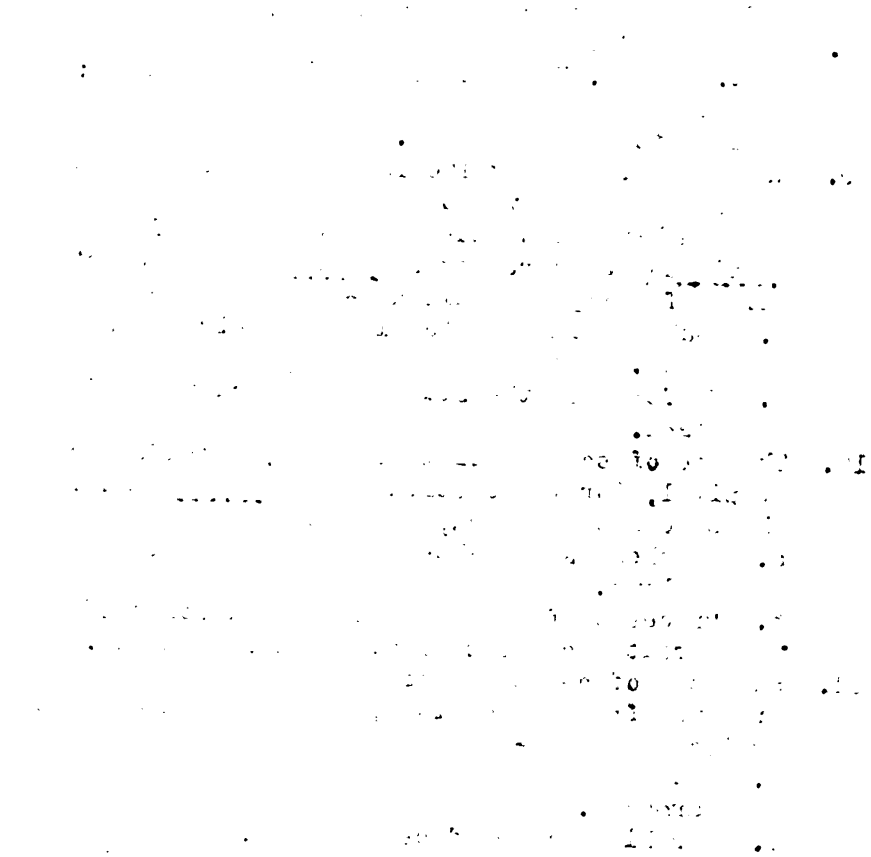
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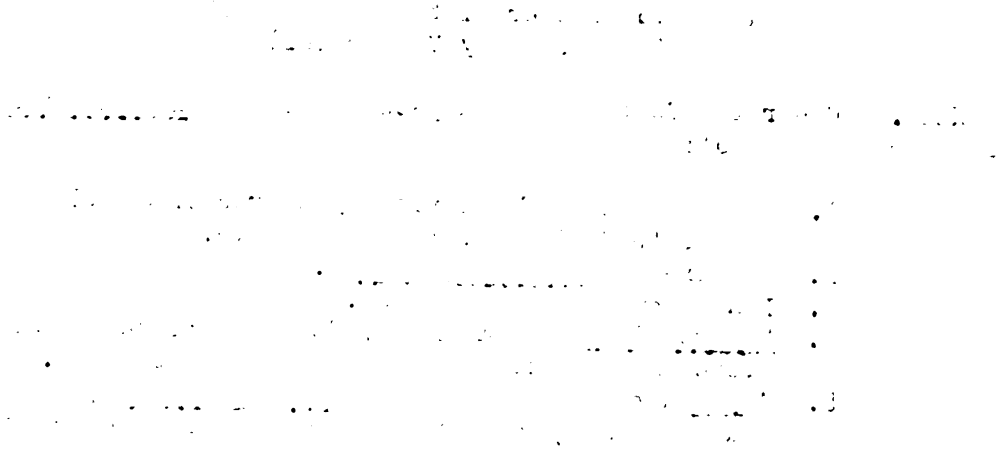
Rules to Render Intendancies Useful (Suggested by Villarroel)

XLII. Under the following twenty-one rules the intendancies could be made useful:

1. Let the power of the viceroy be restored and the intendants made subject to him.
2. Restore the alcaldes mayores.
3. Land should be distributed.
4. Repartimientos should be left in force, an attempt being made to improve the management of them.
5. A junta consisting of the alcaldes mayores, business men, and landholders, presided over by

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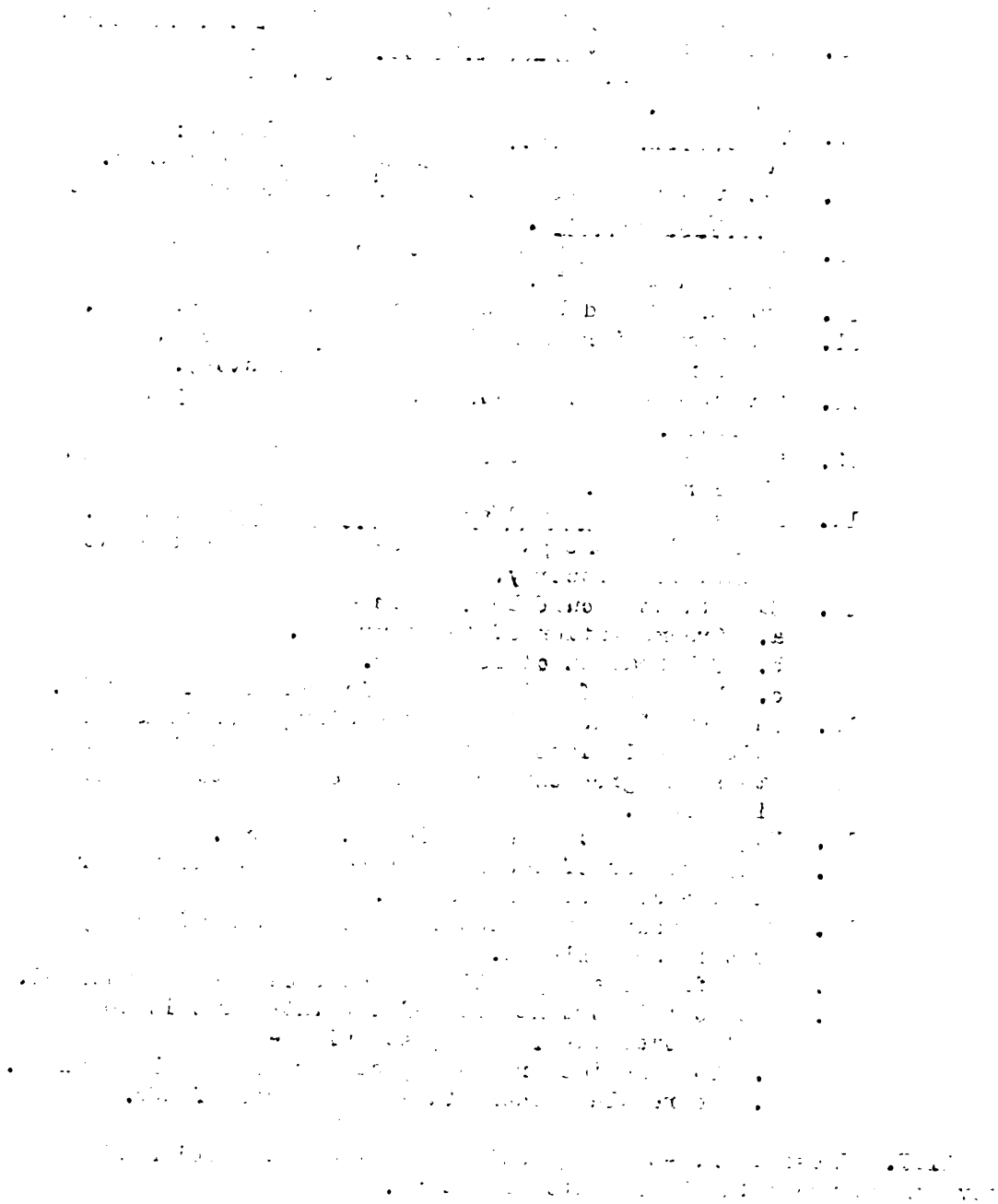
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the viceroy, should regulate the repartimientos.

6. Suits against alcaldes mayores should not be allowed unless the plaintiff can give bonds for calumny.
7. The juzgado de Indios should be abolished: cases of Indians can be handled by the other courts.
8. Let a certain sum of the tributes be secured to the alcaldes mayores.
9. Salaries to employees of the royal treasury should be made adequate.
10. Prisons should be erected and given proper care.
11. The system for collecting the alcabala should be restored (the system of encabezamientos).
12. Liveried servants should be obliged to pay the tribute.
13. Serious abuses in the department of mining should be corrected.
14. Funds of the cofradías and hermandades should be taken from the parish priests and given over to community property.
15. Such funds should be used in -
    a. Ornamentation of the churches.
    b. Celebration of festivals.
    c. Payment of tribute when Indians cannot pay it.
16. In view of the fact that the clergy are so influential with the Indians, the church and state should come to some agreement as to the best use to make of this influence.
17. Vagabonds should be provided with work.
18. Only natives of the capital should be put to work in the cigarette factories.
19. Some measures restrict the cultivation of maguey should be employed.
20. Cock fights and gambling games should be prohibited.
21. The most important duty of the intendant is to watch over the Indians, striving -
    a. To make them rational, cultured, Catholic beings.
    b. To regulate their taxes and parish funds.

XLIII. These twenty-one suggestions carried out would render government under the Reglamento effective.

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VIII

CONCLUSION

It is manifest that pure zeal for the health of the state prompted Hipólito Villarroel to play the role of physician in diagnosing and probing the political illnesses of New Spain. Twenty-five years of experience in the capital gave weight to his opinion and warranted for him a hearing. He was a dignified official of lofty principles as is revealed by his treatises. We readily forgive the little note of personal vanity which we detect within the pages of his discourse; for was he not justified in thanking God that he was not like the rest of alcaldes mayores ? A true father to his people, he believed that to spare the rod was to spoil the child, and as a physician of political ills, he could brook no mild remedies; over the soothing unction of oil and wine, he recognized the superior merits of the burning-iron.

Twenty-five years of "labor and affliction" in the capital of New Spain afforded him, as he declared, an opportunity to observe "disorders in every line" - and he did, as is shown by the record of his observations. Criticism of Villarroel is disarmed by the manner in which he denounces the evils of his day, for it is

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characterized by a gentlemanly politeness which indicates a reluctance to offend. Yet the zealous alcalde, all unaware, was so absorbed in pointing out the crying abuses of the time that he failed to draw attention to any of its redeeming features.

His twenty-five years were filled with afflictions, a period that must have extended from about 1760 to 1787. Lest the pessimism of Villarroel be contagious, it may be well to look for a bit of good in those evil days. It needs but a little search in the volumes of Bancroft to discover that there were some officials who studied the welfare of New Spain.- some capable men who accomplished wonders for the kingdom during those very years replete with affliction. This disproves nothing set forth by the alcalde mayor, but it shows that all was not deplorable in the social and political state of Mexico.

Of Viceroy Marqués de Croix it was said that " he paid strict attention to his duties", supported José de Gálvez in his efforts to improve the country, and, moreover, was " a sincere, just man and a true soldier." Viceroy Matías de Gálvez "showed solicitude for the general welfare and particularly for the relief of the poor and afflicted." Viceroy Bernardo de Gálvez rendered great services to the state and made splendid improvements in the capital. Also, the archbishops of the period were zealous prelates and patriotic statesmen devoted to their people.

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Above all, Viceroy Frey Antonio María Bucareli distinguished himself by a glorious rule, from 1771 to 1779, at the high tide of Hipólito Villarroel's term of service in the capital. The historian already quoted has given unbounded praise to the career of this viceroy.

> Viceroy Bucareli during nearby eight years' rule attended carefully to the organization of the military forces and coast defenses; to the well-being of the new settlements in California; an honest and economical management of the royal treasury, the revenue of which he augmentsd without burdening the king's subjects with extra taxation; the police and administration of justice; the development of public instruction and the arts of peace. Indeed whatever could contribute to the honor of his sovereign and the welfare of the people was matter of interest to him. He cared for the poor in hospitals and asylums, and was zealous in assisting the prelates of the religious orders to preserve good morals. The term of his rule was the happiest that New Spain experienced. Peace and prosperity reigned; and the country took long strides in advance.

Later, in 1789, when Viceroy Revillagigedo took possession of his office, he began a series of reforms which followed in the main those suggested by Villarroel. He charged his predecessors with the disorders of the kingdom, recognizing "that the prevailing abuses were caused by the indolence and criminal neglect of former rulers, whose principal aim seemed always to have been the accumulation of riches which they might enjoy on their return to Spain." Mexico was found to be in a "demoralized condition

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morally and socially...nevertheless, comparing the condition of the capital with that of many of the principal European cities in the eighteenth century, the contrast is not very marked."

What viceroys neglected the Old World cities and fleeced them of their wealth in order to enjoy a reposeful existence upon their return to Spain ? What wild Indians and turbulent Mestizos marred the good policia of those foreign capitals ? O tempora ! O mores ! New Spain was but a part of the world - and not the worst part after all.

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